

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF MARYLAND
4 NORTHERN DIVISION
5

5 UNITED STATES OF AMERICA

6 v.

CRIMINAL CASE NO.
AMD-04-029

7 WILLIE MITCHELL,
8 SHELTON HARRIS,
9 SHELLY WAYNE MARTIN,
10 SHAWN GARDNER,

Defendants

11 VOLUME I OF XXXVII
12 Monday, September 15, 2008
13 Baltimore, Maryland

14 Before: Honorable Andre M. Davis, Judge

15 Appearances:

16 On Behalf of the Government:

17 Robert Harding, Esquire
18 Michael Hanlon, Esquire

19 On Behalf of Defendant Mitchell:

20 Laura Kelsey Rhodes, Esquire
21 Michael E. Lawlor, Esquire

22 On Behalf of Defendant Harris:

23 Gerard P. Martin, Esquire
24 Paul Flannery, Esquire

25 On Behalf of Defendant Martin:

26 Thomas L. Crowe, Esquire
27 James G. Pyne, Esquire

28 On Behalf of Defendant Gardner:

29 Adam H. Kurland, Esquire
30 Barry Coburn, Esquire

31 Reported by:

32 Mary M. Zajac, RPR
33 Room 5515, U.S. Courthouse
34 101 West Lombard Street
35 Baltimore, Maryland 21201

(Defendant Martin present in courtroom. Other defendants not present.)

THE COURT: Mr. Crowe, is it your belief that we're ready to proceed with Mr. Martin?

MR. CROWE: Yes, it is, Your Honor.

THE COURT: All right. Mr. Martin, would you come over here, please, and take a seat on the witness stand?

DEFENDANT MARTIN: Excuse me?

THE COURT: Would you take a seat on the witness stand, please?

DEFENDANT MARTIN: For what?

THE COURT: I've been told that you wish to accept a plea offer and plead guilty in this case.

DEFENDANT MARTIN: I indicated my acceptance. They made me an offer and I accepted it and returned the offer for value.

THE COURT: So are you going to plead guilty?

DEFENDANT MARTIN: I mean, I accept the offer in return for value.

THE COURT: Okay. The other defendants can be brought back to the courtroom. Mr. Martin is not pleading guilty.

Counsel, while we are together, Ms. Zajac, being the fine court reporter she is, is terribly concerned about the fact that I've removed the microphones from your tables. I have assured her emphatically that they will not be needed because no

1 counsel will ever speak beyond simply saying the word
2 "objection" from counsel table. So please adhere to that.

3 If you need to approach the podium at any time, you
4 need only stand up or catch my eye and I will acknowledge you.
5 But please don't say anything, as I say, other than "objection"
6 from counsel table.

7 I'm told that the jury panel is ready and I'm going to
8 ask one of my law clerks to go up now to retrieve the jury
9 lists. Nina, you can go on up. There should be about 15 of
10 them, plus the blank sheets for counsel.

11 I'm going to go up and address the jury very briefly,
12 the venire, and explain to them the procedure that we're going
13 to follow in getting them into the courtroom and conducting the
14 voir dire. And as I indicated to you in writing, what we'll do
15 is, in groups of about 30 or so, they will form a line at the
16 door and I will call the roll by their juror numbers. And they
17 will be directed to take a seat in the gallery in rough
18 numerical order so that you will be able to eyeball the juror as
19 he or she takes a seat in the gallery. I'm told that we have
20 approximately 122 jurors, so we'll go through that process
21 probably four or five times.

22 That will effectively be the roll call of jurors. So
23 then they'll be placed under oath and we'll proceed with the
24 voir dire process.

25 As I say, I'm going to go up and ask them, first of

1 all, to be sure to use the restroom facilities before they come
2 down here because my goal is to complete the general voir dire
3 before the luncheon recess and then take a luncheon recess, and
4 after lunch conclude the individual voir dire. I'm hoping that
5 our time line will permit us to do that.

6 I have all of your requested voir dire and I'm
7 confident that I will cover in some fashion all of the requests,
8 specific requests that have been made. Does the government have
9 a witness list for the Court?

10 MR. HARDING: Yes, Your Honor. This was e-mailed to
11 defense counsel yesterday.

12 THE COURT: Thank you, Mr. Harding. While we're
13 waiting, are there any housekeeping matters that any of counsel
14 believe we should take up? Mr. Coburn, please approach the
15 lectern.

16 MR. COBURN: Your Honor, I just had one brief request
17 for clarification about the objection procedure. Does Your
18 Honor want us just to say the one word "objection" or is it okay
19 to say "objection, hearsay" or "objection, no foundation", that
20 sort of thing?

21 THE COURT: I prefer the one word. My experience is
22 that they are reasonably self-evident. And I think we've been
23 over all of the known legal issues, evidentiary issues. So your
24 objections on any pretrial motion, of course, are preserved.

25 So I prefer just 'objection' but I think that will be

1 sufficient. And as I've said, an objection from anybody over
2 here is deemed joined in by everybody over here. So Ms. Zajac
3 will simply record objection from the defense and, likewise,
4 objection from the government.

5 MR. COBURN: Thank you, Your Honor.

6 THE COURT: By the way, Mr. Coburn, with respect to
7 the letter from you and Mr. Kurland regarding Mr. Montgomery and
8 my rule on counsel, of course, the rule doesn't apply to
9 pretrial or hearing matters. So that will be fine.

10 MR. COBURN: I appreciate it very much, Your Honor.

11 (Defendants Mitchell, Harris and Gardner enter the
12 courtroom.)

13 THE COURT: All right. There being no other business,
14 as I say, I'm going to go up and very briefly, in I think less
15 than five minutes, explain to the jury the process we will
16 employ. And then I will return. And shortly after that you
17 should see the jurors begin to enter the courtroom. We're in
18 recess.

19 (Brief recess.)

20 THE COURT: The jurors should be arriving momentarily,
21 counsel.

22 Mr. Harding, it appears that you're going to be right
23 there in the pathway for witnesses. I didn't realize you were
24 going to have a second agent. So just be sure to keep that
25 passageway open, please, between you and the evidence

1 presentation system.

2 MR. HARDING: Okay. Your Honor, we were thinking of
3 actually trying to put one of the agents back behind us.

4 THE COURT: Oh, that would be better, in fact.

5 MR. HARDING: Alternating which agent sits back there.
6 Would that be preferable?

7 THE COURT: That would be preferable. Not for the
8 first part of voir dire.

9 MR. HARDING: Right.

10 THE COURT: Belinda, I'm sorry. Is that person a
11 media person?

12 MS. RHODES: She's with Mr. Martin.

13 THE COURT: I'm sorry?

14 MS. RHODES: I think she's with Mr. Martin, Gerry
15 Martin.

16 THE COURT: Oh, okay. We're going to need that seat
17 for the jury selection, ma'am. You can go all the way to the
18 top.

19 MR. LAWLOR: Your Honor, while we're waiting. I don't
20 know that we've clarified how many strikes are going to be given
21 to the defense.

22 THE COURT: Because it's not clear yet. It will
23 depend on how many we have at the end of the voir dire. You
24 will get at least ten.

25 MR. LAWLOR: Thanks.

1 THE COURT: I can assure you of that. By the way, Mr.
2 Lawlor, you broke the rule.

3 MR. LAWLOR: Which was?

4 THE COURT: You said "Your Honor" before you got to
5 the mike. I'm keeping count.

6 MR. LAWLOR: I need politeness to be on the record,
7 too.

8 MR. COBURN: You broke it again.

9 (Potential jurors enter the courtroom at 10:47 a.m.)

10 THE COURT: Juror Number One. I don't think we'll
11 need the black chairs at the top so the juror can take a seat.
12 Would you go all the way across, please, sir? Thank you. Just
13 one moment, ladies and gentlemen, until I call your number.

14 Juror Number 10, Juror Number 11, Juror Number 14,
15 Juror 19, Juror 21, Juror 25, Juror 30, Juror 31. Just one
16 moment, please.

17 Juror 32. 34.

18 THE LAW CLERK: This is Juror Number 32.

19 THE COURT: Juror Number 32. Just one moment, ma'am.
20 Juror 34, Juror 39, Juror 49, Juror 50, Juror 58, Juror 64,
21 Juror 65, Juror 67, Juror 70, 73.

22 THE LAW CLERK: Juror 73 is not here.

23 Juror 73 is absent. Juror 77, Juror 78, Juror 80,
24 Juror Number 83, Juror 84, Juror 87, Juror 90, Juror 95, Juror
25 101. And Juror 102.

1 THE LAW CLERK: We have Juror 73.

2 THE COURT: Juror 73 has arrived. Ma'am, please go up
3 the steps and take a seat next to the open, to the juror. Thank
4 you, Nina.

5 Ma'am, please take a seat on the third row from the
6 top. Thank you. Announce your juror number, please, sir.

7 A JUROR: 108.

8 THE COURT: Juror 108, 127, 128, 132, Juror 134, Juror
9 136, Juror 142, Juror 143, 144, Juror 145, Juror 152, Juror 153,
10 156, 157, Juror 163, Juror 168, Juror 174, Juror 176, Juror 180,
11 Juror 186, Juror 187, and Juror 195, you'll start the next row.

12 196, Juror 199, Juror 204, Juror 207, Juror 213, Juror
13 215, Juror 221, and Juror 223.

14 Juror 237, Juror 240, Juror 244. Sir, excuse me.
15 Right there. And last on that row is Juror 245.

16 Juror 249, you will begin the next row. Go all the
17 way across, please. Juror 249, Juror 256. Are you 256, ma'am?

18 A JUROR: Yes.

19 THE COURT: All right. Juror 258, Juror 263, Juror
20 264, Juror 270, Juror 281, Juror 282, Juror 290, Juror 299,
21 Juror 301. Juror 303 will begin the new row. Juror 308, Juror
22 313, Juror 314, Juror 315, Juror 319, Juror 321, Juror 323.
23 Juror 326, Juror 327, Juror 330, Juror 331, Juror 333, Juror
24 334. And Juror 336. Juror 340, Juror 343, Juror 344, 347,
25 Juror 350, Juror 355, Juror 366, Juror 367, Juror 371, Juror

1 373.

2 And on the first row, Juror 374, Juror 379, Juror 380.
3 Juror 383. Juror 386, 387, Juror 389. And Juror 399.

4 Juror 400, if you will come into the jury box this
5 way, please. Juror 402. Juror 407. Juror 410. Juror 413.
6 Juror 415. Juror 417. Juror 419. Juror 427. Juror 432.
7 Juror 434. Juror 439. Juror 441. And last, but certainly not
8 least, Juror Number 444.

9 Ladies and gentlemen of the jury venire, once again
10 good morning. I met you briefly upstairs. The Court wishes to
11 express its appreciation to each of you for your wonderful
12 cooperation in getting you moved from the fourth floor down here
13 to the first floor.

14 Once again, I am Andre M. Davis, one of the United
15 States district judges presiding over trials here in the
16 District of Maryland, the Baltimore courthouse.

17 You've been summonsed to the courthouse today for
18 possible service as a juror in a criminal case. In a moment, we
19 will begin what's called the voir dire process. The voir dire
20 process really has two purposes. First, to give me as the
21 presiding judge an opportunity to give you certain instructions
22 on the law and practice. All of my instructions to you
23 throughout these proceedings today and for the full duration of
24 the trial are binding on the jury and must be scrupulously
25 adhered to by the jury.

1 The second purpose of the voir dire process, the
2 questioning of jurors, is to give jurors an opportunity to, in
3 response to our questions and otherwise, to bring to our
4 attention information known to you but unknown to us that may
5 have a bearing on your ability to serve fairly and impartially
6 as a juror in this case.

7 Every active participant in a criminal trial takes an
8 oath. Every lawyer who becomes a member of the bar takes an
9 oath. All of the court personnel you see assisting the Court,
10 of course, take an oath. The court reporter takes an oath. I,
11 of course, as the presiding judge, take an oath. And each of
12 you as prospective jurors will now take an oath.

13 That oath, for present purposes, is to impress upon
14 you the importance of your full, candid responses to all of the
15 questions that are put to you by the Court and your obligation
16 to bring to our attention, whether a question explicitly asks
17 for that information or whether your good judgment in
18 understanding the question impresses upon you the importance of
19 bringing that information to our attention.

20 So I will first ask each of you now to stand where you
21 are and, if you would, please, raise your right hand and direct
22 your attention to Ms. Arrington here, the courtroom deputy
23 clerk, who will be assisting the court throughout these
24 proceedings, as she administers the oath on your voir dire.

25 (Prospective jurors sworn on their voir dire.)

1 THE COURT: Thank you, ladies and gentlemen. Please
2 be seated.

3 The voir dire process will proceed in two stages. In
4 the first stage of the voir dire process I will be putting to
5 each of you a series of questions. Almost without exception,
6 each question will be a yes or no question. In other words, you
7 will be able to answer each question as I first put it to you by
8 either answering yes or answering no.

9 And the way this works is a no answer is communicated
10 to us by you remaining in your seat. A yes answer is
11 communicated to us by you standing.

12 So every time you need to answer yes to a question,
13 you will stand where you are. The Court will ask follow-up
14 questions once you have identified yourself and once I have
15 turned my attention to you.

16 The follow-up questions will call for specific
17 information. And I ask you, please, to listen carefully to all
18 of my questions, both the general questions and the follow-up
19 questions, and answer the specific question that I put to you.

20 Remember, when you stand to answer a question, wait
21 for me to recognize you. And each time before you speak, every
22 time, no matter how many times you have to stand up, each time
23 before you speak please give us your juror number.

24 Now, my law clerks, whom you've met, will be in the
25 gallery with two hand-held microphones, one on this side, one on

1 this side, so that when I recognize you the next thing that will
2 happen is that my law clerk will pass you the microphone, the
3 hand-held microphone if you're seated out there. Please don't
4 speak until after you've been passed the microphone, and then
5 give us your juror number. This is so, of course, we can all
6 hear you as well as you are hearing me now.

7 After you have answered my follow-up questions, should
8 you have to stand in response to a general question, one of two
9 things will happen. You will either be excused and we will
10 express our thanks to you and you will be permitted to depart to
11 get on with your normal business, or you will be asked to resume
12 your seat. There is no magic particularly to whether you will
13 be asked to resume your seat or you will be excused.

14 I assure you that if you are excused it is not because
15 we don't like you. We like you. But there are some matters
16 that will require the Court to excuse some persons on account of
17 various factors that do not in any way reflect on your fitness
18 or ability to serve as a juror in a wide range of cases. So
19 that is how the general voir dire will proceed.

20 Then the second stage of the voir dire will consist of
21 individual questions of a number of you here at the bench. I
22 anticipate that the second stage of the voir dire will take
23 place after we all return from a luncheon recess this afternoon.

24 During this second phase of the voir dire, each of you
25 who has previously answered yes to a question and been told to

1 resume your seat, and anybody else who for any reason wishes to
2 speak to me and counsel in private here at the bench about any
3 matter touching on your ability to serve as a juror in this
4 case, will be allowed to come forward here at the bench and
5 speak to us in private.

6 Now, I will use the following terms in some of my
7 questions. I will use the term "close personal friend." I
8 believe that that term is self-explanatory and you choose who
9 your close personal friends are and you provide answers to
10 include that group of people to my questions.

11 I will also use the term "close family member." Now,
12 at a minimum, the term "close family member" includes the
13 following individuals: Your spouse, if any, your parents, your
14 children, your brothers and sisters, and any other person who
15 resides with you in your household. So many of the questions
16 will require you to include within your contemplated answer
17 those individuals as well.

18 If at any point you cannot hear me or if at any point
19 you are uncertain about the meaning of the question, please
20 don't hesitate to raise your hand, and I will repeat it or
21 clarify it.

22 If you are in doubt about whether to answer yes or no
23 to a question, answer yes. It is better to answer yes
24 unnecessarily than to answer no when perhaps you should have
25 answered yes. So do not hesitate to answer yes. You cannot

1 give us too much information. But again, remember, wait for my
2 follow-up questions and answer those specific questions that I
3 put to you.

4 Now, you've had your orientation and so you know quite
5 a bit about how trials work and quite a bit about the legal
6 foundation for our criminal justice system. Let me review a
7 couple of very basic principles with you.

8 The role of the jury in this case is exactly the same
9 as it is in every criminal case tried in this country, whether
10 it's in the federal court or state court. The role of the jury
11 is to listen to the evidence as it is presented in the
12 courtroom, follow the Court's instructions on the law, which are
13 binding on the jury, bring to bear your mature judgment and
14 common sense as you evaluate the evidence, and render a fair and
15 impartial verdict in the case based solely on the evidence
16 presented in the courtroom, in strict accordance with the
17 Court's instructions on the law, and without any influence
18 whatsoever affecting you as a juror from anything that occurs
19 outside of the courtroom or which the Court has instructed you
20 to disregard. A fair and impartial verdict is what the jury's
21 mission is.

22 In a criminal case a defendant is presumed innocent of
23 all charges. A defendant in our system never ever has to prove
24 his or her innocence, never ever has to introduce any evidence,
25 call any witnesses.

1 Indeed, among the many rights defendants in criminal
2 cases enjoy in our system of justice is the right to choose
3 whether to be present for the trial or to be absent.

4 The burden in a criminal case is entirely,
5 exclusively, always only on the government. And that burden in
6 our system requires the government bringing the charges to prove
7 a defendant's guilt beyond a reasonable doubt.

8 A defendant in a criminal case, as I say, has no
9 burden, and not only is not required to testify, but, in fact,
10 has a constitutionally protected privilege to remain silent.
11 And it would be a violation of very fundamental constitutional
12 principles in any criminal case for any juror to consider in any
13 way whatsoever in deciding whether the government has proven a
14 defendant's guilt beyond a reasonable doubt, to consider in any
15 way whether the defense offered any evidence, whether the
16 defendant himself or herself testified, or in any other fashion
17 violate the fundamental rules of law, many of them
18 constitutionally based, that protect the rights of defendants in
19 criminal cases.

20 So this is the mission of a jury in this and in every
21 criminal case -- to render a fair and impartial verdict based
22 solely on the evidence.

23 As I instructed you upstairs when I met briefly with
24 you, you are to have no conversation whatsoever during today or
25 at any other time during these proceedings if you are selected

1 as a member of the jury in this case about this case, about this
2 voir dire process, about any of the answers that any of your
3 fellow jurors may give out loud that you hear, about any of the
4 answers that you give to any of the Court's questions. This
5 instruction, like all of my instructions to you, must be
6 scrupulously honored by you throughout these proceedings.

7 Is there anyone among you now who does not understand
8 the instructions that I have just given you about our criminal
9 justice system?

10 (No response.)

11 THE COURT: Is there anyone among you now who would
12 find it difficult, if you are selected as a juror in this case,
13 scrupulously to adhere to those and all of my instructions on
14 the law that are binding on the jury in a criminal case, for any
15 reason whatsoever?

16 (No response.)

17 THE COURT: Is there anyone among you right this
18 minute who does not understand that the defendants in this case,
19 whom you will meet in a moment, as they sit before you, are
20 presumed innocent of all charges at this very moment and the
21 presumption of innocence surrounds each defendant throughout
22 these proceedings and will require that any defendant be
23 acquitted of all charges unless and until, based on the evidence
24 and the Court's instructions on the law, the jury is convinced
25 beyond a reasonable doubt that the presumption of innocence has

1 been overcome and he or she is convinced by that standard of a
2 defendant's guilt? Is there anyone among you who believes he or
3 she would have difficulty carrying out that responsibility?

4 (No response.)

5 THE COURT: Thank you, ladies and gentlemen. Now, as
6 I said, this is a criminal case. In federal court, as in many
7 state courts, a criminal case begins with the filing of charges
8 in the form of an indictment. And indeed, here we have an
9 indictment returned by a federal grand jury here in the District
10 of Maryland charging four individuals, the defendants before
11 you, with criminal offenses under federal law.

12 An indictment is not evidence. An indictment is never
13 to be considered as evidence in a criminal case. To the
14 contrary, an indictment is the form and format by which in
15 federal court a defendant who is accused of criminal activity is
16 formally charged and is formally notified of the charges against
17 him.

18 At the conclusion of the case, among other exhibits
19 that will be provided to the jury in the jury room during the
20 deliberations, the indictment will be sent in to the jury room
21 as well so that the jury can look at it, read it, however he or
22 she may choose. But the indictment itself is not evidence and
23 is never to be considered. It is a charge.

24 I am going to now summarize the indictment that brings
25 this case before the Court.

1 The name of the case is United States of America
2 versus Willie Mitchell, also known as Bo, Shelton Harris, who is
3 also known as Rock, Little Rock, and Hard Rock, Shelly Wayne
4 Martin, who is also known as Wayne, Weaze or Weazy, and Shawn
5 Gardner, who is also known as Goo, G-O-O. These are the four
6 defendants before the court for trial in this matter on this
7 indictment.

8 The jury, the grand jury has charged these defendants
9 with a number of criminal offenses totaling 17 separate counts
10 of the indictment. Some defendants are named in more counts
11 than in others and some defendants are not named in some counts.

12 Essentially, the jury in this case will consider each
13 count of the indictment in accordance with my instructions
14 separately. And while these four defendants are on trial
15 together in this courtroom, effectively, this consists of four
16 separate trials. And this is because each defendant is entitled
17 to the separate considered judgment of each juror as to each
18 count in which he is charged. So that a verdict on a particular
19 count or a verdict as to a particular defendant does not in any
20 way relieve the jury of giving careful, impartial, mature
21 consideration to the evidence as it relates to each defendant
22 individually and each count of the indictment individually.

23 Now, the lead count, Count One, is charged under what
24 is referred to as the Racketeer Influenced Corrupt Organizations
25 Act under federal law. Counsel, I'm sure, will refer to it as

1 the RICO statute. It is a complicated federal law and the Court
2 will be at pains at appropriate times to instruct the jury as to
3 what the elements are that the government is required to prove
4 beyond a reasonable doubt in order to prove a person has
5 violated that statute.

6 But let me summarize that count and the other counts
7 of the indictment for the purpose of simply giving you limited
8 information about the nature of the case so that you are better
9 able to respond to the Court's questions as we proceed with the
10 voir dire.

11 Count One reads as follows. I'm going to paraphrase
12 but also read some of it. At various times relevant to the
13 indictment, Willie Mitchell, Shelton Harris, Shelly Martin, and
14 Shawn Gardner, along with others known and unknown to the grand
15 jury, were members of a group referred to in the indictment as
16 the Randallstown/Park Heights organization, a criminal
17 organization which operated in Baltimore, Baltimore County,
18 Pennsylvania, and elsewhere, whose members engaged in the
19 distribution of controlled dangerous substances and committed
20 acts of violence, including conspiracy to commit murder, murder,
21 armed robbery, home invasion, and other offenses.

22 On or about December 12th, 2000, Shakedown
23 Entertainment, Limited was incorporated in Maryland. The
24 resident agent was Willie Mitchell. The business produced and
25 promoted rap music recordings and performances.

1 The Randallstown/Park Heights organization, including
2 its leadership, members and associates, constituted an
3 enterprise as defined under federal law, that is a group of
4 individuals, and an entity associated in fact which engaged in
5 and the activities of which affected interstate and foreign
6 commerce. The enterprise constituted an ongoing organization
7 whose members functioned as a continuing unit for a common
8 purpose of achieving the objectives of the enterprise.

9 The indictment then describes what it calls the
10 purpose of the enterprise. Among the purposes of the enterprise
11 were the following: Enriching the members and associates of the
12 enterprise through, among other things, murder, armed robbery,
13 home invasion robbery, and the distribution of controlled
14 substances, including cocaine and crack cocaine, marijuana, and
15 heroin; preserving and protecting the power, territory, and
16 profits of the enterprise, and retaliating against individuals
17 and organizations through the use of intimidation, violence,
18 threats of violence, murder, and murder for profit; promoting
19 and enhancing the enterprise and its members] and associates'
20 activities; maintaining and promoting the rap music business in
21 which members and associates were involved, including Shakedown
22 Entertainment Limited, a Maryland corporation; preventing and
23 obstructing the arrest and prosecution of members and associates
24 through witness intimidation and disruption of court
25 proceedings.

1 The indictment then describes the methods and means of
2 the enterprise and it charges, among other means and methods,
3 and they're committed by the defendants and their associates,
4 were the following: Members of the enterprise and their
5 associates committed, attempted to commit, and threatened to
6 commit acts of violence, including armed robbery, home invasion
7 robbery, murder, murder for profit, and witness intimidation, to
8 protect and expand the enterprise's criminal operations,
9 retaliate against other individuals and organizations, and to
10 obstruct justice and law enforcement.

11 The indictment charges that the members of the
12 enterprise and their associates promoted a climate of fear in
13 Baltimore area neighborhoods through violence and threats of
14 violence.

15 The indictment charges that members of the enterprise
16 and their associates trafficked in cocaine base, known as crack
17 cocaine, marijuana, and heroin to obtain money and that members
18 made decisions both by mutual consent and by direction of its
19 leaders.

20 The indictment then charges the racketeering violation
21 which is at the heart of the indictment, Count One. From in or
22 about 1994 through on or about August 18th, 2006, in the State
23 and District of Maryland, the Commonwealth of Pennsylvania, the
24 State of New York and elsewhere, the defendants, Mr. Mitchell,
25 Mr. Harris, Mr. Martin, and Mr. Gardner, together with persons

known and unknown to the grand jury, being persons employed by and associated with the Randallstown/Park Heights organization, an enterprise which engaged in and the activities of which affected interstate and foreign commerce, did knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree to violate relevant provisions of federal law, the RICO statute, and that is to conduct and participate directly and indirectly in the conduct of the enterprise's affairs through a pattern of racketeering activity, as that term is defined in federal law, through the commission of acts set forth in the indictment.

The indictment charges that, as a part of the conspiracy and as provided in federal law, each defendant agreed that a coconspirator would commit at least two acts of racketeering activity. The indictment then lists a number of alleged acts of racketeering activity. I will tell you now what those allegations are.

Racketeering Act One is said to be murder and conspiracy to murder a man by the name of Oliver McCaffity. On or about February 27th or 28th, 2002, in the State and District of Maryland, Mr. Mitchell, Mr. Harris did feloniously, willfully and deliberately premeditated, with malice aforethought, kill and murder Oliver McCaffity; that on or about February 27th or 28th, 2002, again in the State and District of Maryland, in like fashion, those same two defendants, Mr. Mitchell and Mr. Harris,

1 did, with the same intent and willful violation of law, kill and
2 murder -- excuse me -- conspire to kill and murder the gentleman
3 known as Oliver McCaffity.

4 Now, Racketeering Act Two alleges that a second murder
5 was committed, and that is the murder of a woman named Lisa
6 Brown, which is also alleged to have occurred on or about
7 February 27th or 28th, here in Maryland, 2002.

8 Racketeering act three charges that all of the
9 defendants, Mr. Mitchell, Mr. Harris, Mr. Martin, and Mr.
10 Gardner, on or about March 24th or 25th, 2002, here in the State
11 and District of Maryland, did murder and did conspire to murder
12 Darryl Wyche and did murder Darryl Wyche.

13 Racketeering Act Four charges a like commission of a
14 murder and conspiracy to commit a murder of a gentleman named
15 Anthony Wyche. And each of the defendants is charged with that
16 racketeering act.

17 Racketeering Act Five charges that all of the
18 defendants did, with a dangerous weapon, rob Darryl and Anthony
19 Wyche on or about the same date, March 24th, 25th, 2002, here in
20 the District of Maryland.

21 Racketeering Act Six charges that on or about June
22 7th, 2002, here in the District of Maryland, defendant, Mr.
23 Gardner, did willfully and with premeditation kill and murder a
24 woman by the name of Tonya Jones Spence.

25 Racketeering Act Seven charges Mr. Gardner on that

1 same date with the robbery of Tonya Jones Spence.

2 And Racketeering Act Eight charges Mr. Gardner with
3 conspiracy to murder a man by the name of Darius Spence and to
4 kill Mr. Spence in the perpetration of a robbery.

5 Racketeering Act Nine charges all four defendants with
6 conspiracy to possess and to possess with the intent to
7 distribute controlled dangerous substances, namely, cocaine,
8 heroin, marijuana, and crack cocaine. And that conspiracy is
9 alleged to have been in existence from in or about 1994 through
10 in or about February of 2004.

11 So that is Count One of the indictment, a conspiracy
12 under the RICO statute to carry out these activities of this
13 alleged enterprise through these acts of racketeering activity.
14 As I say, at the appropriate time the Court will have detailed
15 explicit instructions as to how a jury is to evaluate the
16 evidence presented in this case and make a determination as to
17 whether the government has proven the guilt of any defendant
18 under Count One beyond a reasonable doubt.

19 The remaining 16 counts of the indictment charge
20 various substantive offenses, not conspiracy, but substantive
21 offenses under federal law. And I will summarize them briefly.

22 Count Two charges Mr. Mitchell and Mr. Harris with
23 committing armed robbery for the purpose of maintaining and
24 increasing their positions within the enterprise and with murder
25 for the same purpose, on or about February 27th, 2002, in that

1 they murdered Mr. McCaffity.

2 So the murder of Mr. McCaffity is alleged to be a
3 racketeering act within the broader range of the conspiracy in
4 Count One, and it's charged separately under a different federal
5 statute in Count Two, naming Mr. Mitchell and Mr. Harris.

6 Similarly, in Count Three, Mr. Mitchell and Mr. Harris
7 are charged with respect to the death of Mr. McCaffity under a
8 separate federal statute. And in Count Four Mr. Mitchell and
9 Mr. Harris are charged under a separate federal statute with
10 respect to the death of Lisa Brown.

11 In Count Five, all four defendants are charged under a
12 separate federal statute with offenses based on the death of
13 Darryl Wyche and the alleged robbery of Darryl Wyche. In Count
14 Six, it's charged, charges all four defendants in connection
15 with the death of Anthony Wyche, which was mentioned in Count
16 One.

17 Count Seven, likewise, charges Mr. Gardner only in
18 connection with a separate federal offense related to the death
19 of Tonya Jones Spence. And in Count Eight, all four defendants
20 are charged separately with a conspiracy related to the
21 distribution and the possession with the intent to distribute
22 narcotics.

23 So in other words, as you can see, the racketeering
24 acts, most or all of them named in Count One, are also charged
25 as separate offenses under federal law in other counts of the

1 indictment.

2 And again, the jury will be called upon to evaluate
3 each defendant's alleged involvement as to each count in which
4 that defendant is named as a defendant.

5 Count Nine involves a separate federal statute
6 relating to the use of firearms in the commission of other
7 offenses. And so Count Nine charges that Mr. Mitchell and Mr.
8 Harris, in connection with the alleged murders committed on
9 February 27th, 2002, of Mr. McCaffity and Ms. Brown, did use a
10 firearm in furtherance of other violations of federal law.

11 Count Ten similarly charges a handgun count in
12 connection with the death of Lisa Brown. And Mr. Harris and Mr.
13 Mitchell are named in that count.

14 Count 11 charges Mr. Mitchell and Mr. Harris in
15 connection with the use of firearms relating to the death Lisa
16 Brown occurring on or about February 27th, 2002.

17 And Count 12 is a firearms count naming all four
18 defendants and arises out of the alleged involvement of the four
19 defendants in connection with the robbery and alleged murder of
20 Anthony and Darryl Wyche, which accuses, which alleges occurred
21 on or about March 24th, 2002.

22 Count 13, again, names all four defendants on a
23 firearms count relating to the Darryl Wyche murder.

24 And Count 14 names all four defendants with respect to
25 a firearms count in connection separately with the Anthony Wyche

1 murder.

2 Count 15 charges only Mr. Gardner with a firearms
3 count relating to the murder of Tonya Jones Spence. And Count
4 16 charges Mr. Gardner with the June 7th, 2002 firearms
5 violation, again relating to Tonya Jones Spence.

6 Count 17 charges Mr. Gardner with possession of a
7 firearm as a prohibited person. And Count 18 separately charges
8 Mr. Harris with a January, 2004, possession of a firearm as a
9 prohibited person.

10 And finally, Count 19, I think I may have said there
11 were 17 counts in the indictment. As you can see, there are
12 actually 19 counts -- Count 19 charges that in or about June,
13 2005, Mr. Harris committed an act intending to obstruct justice
14 and he is alone charged in that count.

15 So that's a perhaps not so brief summary of what the
16 charges are in this case. Again, ladies and gentlemen, an
17 indictment is not evidence. It is never to be considered as
18 evidence. It is merely the charges brought by the grand jury
19 placed against these defendants, the burden of proof resting
20 entirely on the government to prove each and every fact
21 necessary to establish the violation of law.

22 So having heard that summary, let me read to you some
23 of the locations that will be mentioned during the course of the
24 evidence in this case, and in particular the location of some of
25 the murders that I have just described to you briefly: 8618

1 Bramble Lane in Randallstown, Maryland, 4400 East Wabash Avenue
2 here in Baltimore, the 4500 block of Finney Avenue here in
3 Baltimore, are the locations of some of the events relating to
4 the murders mentioned in the indictment.

5 So does any member of the jury panel have any
6 information or heard any information or any knowledge concerning
7 the allegations in this indictment and the circumstances giving
8 rise to this case? Have you read anything? Have you heard
9 anything? Has anybody discussed with you any aspect of this
10 case, to the best of your recollection?

11 Microphone is on the way, ma'am. Number, please?

12 A JUROR: Juror Number 373.

13 THE COURT: All right. Just a moment, please. You
14 think you may have heard something or read something about this
15 case?

16 A JUROR: I think I read something about the case
17 several years ago.

18 THE COURT: Do you remember what the source of that
19 information might have been? Was it the newspapers or --

20 A JUROR: It would have been the newspaper.

21 THE COURT: How fresh is your recollection about the
22 case today? That is to say, how fresh is your recollection of
23 what you may have read or heard a few years ago? Very fresh or
24 not fresh at all?

25 A JUROR: The one piece of it is pretty fresh.

1 THE COURT: Pretty fresh? Do you remember what
2 newspaper?

3 A JUROR: I think it was The Sun. I get The Sun and
4 The Post and a couple of Howard County publications.

5 THE COURT: All right. And was it my summary of the
6 indictment that reminded you of the case?

7 A JUROR: The two brothers.

8 THE COURT: The Wyche brothers?

9 A JUROR: Right.

10 THE COURT: All right. We're going to excuse you,
11 ma'am, from any service as a juror in this case. Thank you very
12 much.

13 MR. HARDING: Your Honor, just for the record, I think
14 that was Juror Number 371 not 373.

15 THE COURT: I'm sorry. Thank you very much, Mr.
16 Harding. Was Juror Number 373 or 371?

17 A JUROR: 373. This time, Mr. Harding, I'm right,
18 you're wrong.

19 A DIFFERENT JUROR: That was my number.

20 THE COURT: Okay. Ma'am, would you check your jury
21 summons, please? Thank you, Mr. Harding. It looks like you're
22 right and I'm wrong. And I'm wrong twice.

23 A JUROR: I'm totally wrong. 323.

24 THE COURT: Is there another 323 in the house? All
25 right, ma'am.

1 A JUROR: I apologize.

2 THE COURT: That's quite understandable.

3 Members of the jury, let me ask you now to take a
4 quick look at your jury summons so that you are alert. So we
5 still have 371 and we still have 373 and we're glad. All right.

6 I'm going to permit counsel at this time, ladies and
7 gentlemen, to introduce themselves to you.

8 Let me just say that the, as is true in every criminal
9 case in federal court, the government is represented by members
10 of the office of the United States attorney. The United States
11 Attorney for the District of Maryland is Mr. Rod Rosenstein.
12 And the individuals you are about to meet now are assistant
13 United States attorneys who work for Mr. Rosenstein in
14 representing the government in court.

15 After the assistant U.S. attorneys introduce
16 themselves and the agents who are with them at the table, I will
17 ask each of the defense lawyers on this side of the room to
18 introduce themselves and their clients to you.

19 Counsel.

20 MR. HARDING: Good morning. Robert Harding.

21 MR. HANLON: Good morning. Michael Hanlon.

22 THE COURT: Would you introduce the agents, please?

23 MR. HARDING: Task Force Officer Keith Benson and
24 Special Agent Brian Klas.

25 THE COURT: Thank you, gentlemen. Ms. Rhodes.

1 MS. RHODES: Good morning. My name is Laura Kelsey
2 Rhodes and I'm representing Willie Mitchell along with --

3 MR. LAWLOR: Mike Lawlor. Good morning.

4 THE COURT: Thank you.

5 MR. MARTIN: Good morning. My name is Gerry Martin
6 and I represent Mr. Shelton Harris along with --

7 MR. FLANNERY: Paul Flannery.

8 THE COURT: Thank you.

9 MR. CROWE: Good morning. My name's Tom Crowe. I
10 represent Shelly Martin along with --

11 MR. PYNE: Jim Pyne.

12 THE COURT: Thank you.

13 MR. COBURN: And good morning, ladies and gentlemen.
14 I'm Barry Coburn. I represent the defendant, Shawn Gardner.
15 And --

16 MR. KURLAND: Adam Kurland.

17 THE COURT: Thank you very much, counsel.

18 Does any one of you know or have any relationship,
19 personal, professional or otherwise, first with either Mr.
20 Harding or Mr. Hanlon or any other member of the U.S. attorney's
21 office for this district?

22 The answer is no.

23 Do any of you know or have any familiarity with or a
24 personal, professional relationship with any of the defendants
25 themselves or with their counsel?

1 The answer is no.

2 Oh. Yes, sir. I believe we can hear you if you speak
3 up loudly. There's a microphone right there in front of you.
4 Your juror number?

5 A JUROR: 441.

6 THE COURT: Who is it you think you know?

7 A JUROR: Well, like I said, I'm unsure. I work for a
8 law firm. So I don't know who the attorneys, who they work for.

9 THE COURT: All right. What firm?

10 A JUROR: DLA Piper.

11 THE COURT: All right. None of the lawyers are
12 associated with that firm. Thank you, sir. Just a moment.
13 Your number, sir?

14 A JUROR: 213.

15 THE COURT: All right. Just a moment. Yes, sir.

16 A JUROR: I have seen two of the other attorneys in
17 court before.

18 THE COURT: Can you point them out, please?

19 A JUROR: The gentleman all the way to the left.

20 THE COURT: Mr. Kurland.

21 A JUROR: And the gentleman all the way to the right
22 of the same table.

23 THE COURT: Mr. Pyne?

24 A JUROR: No. The gentleman to his left.

25 THE COURT: Mr. Coburn.

1 A JUROR: Yes. That's correct.

2 THE COURT: And have you seen them together or have
3 you seen them separately?

4 A JUROR: I don't remember the exact circumstances of
5 when I saw them but I do recognize their faces.

6 THE COURT: They just look familiar to you.

7 A JUROR: That's correct.

8 THE COURT: As best as you can recall, when would this
9 have been?

10 A JUROR: It could have either been, it probably would
11 have been something that would have happened in Anne Arundel
12 County.

13 THE COURT: All right. And on a scale of 1 to 10
14 being absolute certainty and 10 being, Judge, I'm guessing, how
15 certain are you, first, that it was Mr. Kurland you actually
16 saw?

17 A JUROR: That would probably be a 7.

18 THE COURT: And how certain are you that it was Mr.
19 Coburn you saw?

20 A JUROR: Five.

21 THE COURT: And did they, did they do anything in your
22 presence that your mother wouldn't want you to see them do?

23 A JUROR: No.

24 THE COURT: Did you actually observe them in court
25 representing somebody or do you recall?

1 A JUROR: I do not recall the circumstances.

2 THE COURT: But you do remember it was in court?

3 A JUROR: I believe so, yes.

4 THE COURT: Okay. Would there be any aspect of what
5 you remember, to the best as you can remember having seen them,
6 that would affect you in any way in judging the facts of this
7 case?

8 A JUROR: I don't believe so.

9 THE COURT: Thank you very much. You may be seated.

10 While we're on that subject, ladies and gentlemen,
11 defense lawyers play a critically important role in our criminal
12 justice system. Whether they are hired by a criminal defendant
13 or appointed by the Court to represent a criminal defendant,
14 and, of course, as I'm sure you know, in our system every
15 defendant is entitled to a lawyer. And if he or she could not
16 afford to hire an attorney, the Court appoints an attorney to
17 represent the defendant.

18 Sometimes people don't fully understand the important
19 role that a defense lawyer plays in the zealous representation
20 of his or her client. But as I say, as good as our system is,
21 and I believe it's very good, certainly not perfect, but very
22 good system, of criminal justice, it would be a pretty lousy
23 system, frankly, without defense lawyers. And it would be a
24 pretty lousy system if a defendant who was indigent and couldn't
25 afford to hire an attorney, therefore, as in so many other

1 countries around the world, didn't get one.

2 But our Supreme Court years and years ago recognized
3 that under our constitutional scheme, a person whose
4 circumstances prevent him or her from hiring a lawyer is
5 nonetheless entitled absolutely to the representation of
6 counsel. So is there anyone among you who has difficulty
7 understanding the important role of a defense lawyer in a
8 criminal case?

9 (No response.)

10 THE COURT: Is there anyone among you who would find
11 it difficult to accord the same respect and regard for the role
12 of the defense lawyer in a criminal case, as I'm sure you regard
13 the role of a prosecutor, who is equally critical to our
14 criminal justice system? Anyone at all?

15 (No response.)

16 THE COURT: Thank you very much. The answer is no.

17 Now, ladies and gentlemen, I'm going to read a very
18 long list of names. I'm hoping that there aren't any duplicates
19 in here but there may be. Not all of these individuals will
20 testify in this trial. But their names may be mentioned by
21 other witnesses even if they don't testify.

22 Many of these individuals will be law enforcement
23 officers but many of them are not law enforcement officers. On
24 occasion I will be able to identify those that are law
25 enforcement officers.

1 I ask you, because the list is so long, if you hear a
2 name that you believe may be someone with whom you are familiar,
3 please stand immediately. Don't wait until the whole list has
4 been read. Stand immediately. I'll stop and get information
5 from you as to whether the name you heard really is someone that
6 you may know or be familiar with:

7 Salvatore Bianca; Eric Clash; Dr. Joseph Pestaner or
8 Pestaner; Jason Epps; Donald Dukes; Natasha Wyche, also known as
9 Fuji; Alvin Barnes, law enforcement; Shamier Delvison; Shannon
10 Harris; Patrick Joseph; James Wagster; James Coker; Lorraine
11 Lansey; Jaquette Smith; John Giganti, law enforcement; Jason
12 Elder; Felton Byrd; David White; Richard Willard or Willard, law
13 enforcement; Raymond Bond, law enforcement; Douglas Forrester,
14 law enforcement; George Wooden, law enforcement; Tyree Stewart;
15 Darryl Murphy; Andrew Seymour; Chris Newsom; James Rhoden;
16 Christopher O'Ree; John Calpin; Norman Young; Darryl Bacon;
17 Arlene Williams; Raymond Laslett, law enforcement; Robert
18 Cherry, law enforcement; Daniel Romeril.

19 Good afternoon. Your number?

20 A JUROR: 281.

21 THE COURT: Yes, sir.

22 A JUROR: I recognize the name Cherry.

23 THE COURT: Detective Robert Cherry?

24 A JUROR: Robert Cherry. At least last name Cherry.

25 I believe he was a law enforcement working at BWI, in which I

1 had the occasion to have my luggage stolen there and recovered
2 there.

3 THE COURT: You think he may have been the person you
4 interacted with?

5 A JUROR: He might have been the guy that I went, when
6 I went to recover and get my luggage, the one who actually made
7 the arrest.

8 THE COURT: How long ago was this?

9 A JUROR: A couple years ago.

10 THE COURT: And did you ever go to court on the matter
11 or have further interaction with Detective Cherry?

12 A JUROR: No, not after that.

13 THE COURT: But you don't remember his first name?

14 A JUROR: I don't remember his first name. Of course,
15 Cherry is a name that's --

16 THE COURT: Sure. Mr. Harding can you approach the
17 lectern, please? Would this Detective Cherry have likely been
18 involved in law enforcement activity at BWI?

19 MR. HARDING: No, Your Honor.

20 THE COURT: Okay. We think it's probably another
21 different, a different Cherry.

22 A JUROR: Okay.

23 THE COURT: Thank you very much. Daniel Romeril, law
24 enforcement; Irene Magginson; Donald Kramer, law enforcement;
25 James Hagin, law enforcement; Javonna McDonald; Lakeisha McCoy;

1 Aaron Holly; Howard Rice; Kirk Hastings, law enforcement; Ayesha
2 Muhammed; Sharon Talmadge; Roy Jones; Tynera Williams; Kenneth
3 Jones; Kendrick Kelly; Ronald Berger; gentleman or lady whose
4 last name is Morsley, M-O-R-S-L-E-Y; Nieisha Duganne or Duganne;
5 Marquette Duganne or Duganne; David Williams; Kara Gladden, law
6 enforcement; Sharmika Fletcher; Christopher Dobropolski; Gary
7 Niedermeier, law enforcement; Damita Green; Dionne Boynton;
8 Anthony Wyche; Darryl Wyche; Oliver McCaffity; Lisa Brown; Tonya
9 Jones Spence; Dwayne Denham; Hirotaka Nakasone; Chris Graul;
10 Joseph Goldberg, law enforcement; Travis Golder; Derek Herndon,
11 law enforcement; Terry Labbe, L-A-B-B-E; David Phipps, law
12 enforcement; Russell Robar, law enforcement; Kevin Roseborough,
13 law enforcement; Peter Sullivan, law enforcement; Thomas Loth,
14 L-O-T-H, law enforcement; Rich Snyder, law enforcement; Mark
15 Herbert, also known as Tony Montana; Paeshio Pice or Rice;
16 Darryl Alexander; James Tichner, law enforcement; Hasim Rahman,
17 former heavyweight champion of the world, from Baltimore;
18 Claudus Lassiter; Donte Sands; Nathaniel Moultry; Leon Epps;
19 Joseph Batson, also known as Keeway; Lisa Whitehead; Sherman
20 Kemp, also known as Goose; Marvin Walker, also known as Slo,
21 Deandre Wesley; Detective Phil Marle; Gary Childs, law
22 enforcement.

23 In the back. Your number?

24 A JUROR: Juror 64.

25 THE COURT: All right. Just a moment. Yes, sir.

1 A JUROR: I'm not quite sure, sir, if you said Phil
2 Marley.

3 THE COURT: M-A-R-L-E.

4 A JUROR: Not sure if that's how he spells his name.

5 THE COURT: Law enforcement officer.

6 A JUROR: Baltimore County detective, in the National
7 Guard with me.

8 THE COURT: All right. Is this a county officer?

9 MR. HARDING: Yes, Your Honor.

10 THE COURT: All right. We're going to excuse you,
11 sir, Juror Number 64. Thank you very much.

12 You can move that barrier just a bit and slip through.
13 Thank you very much.

14 Again, Gary Childs, law enforcement; Michael Toni,
15 with an I; Keith Ketterman; Brian Edwards, law enforcement;
16 Officer Saladino; Douglas Jess, law enforcement; Timothy
17 Rutherford, law enforcement; Darius Spence; Jamane Johnson; Erin
18 Wisnieski; Angela Jones; Kelly David; Andrea Smith; Will
19 Montgomery; Kenneth Welsh, law enforcement; Karen Sullivan,
20 David Williams; Gisella Fredericks; Mark Ensor; Lynette
21 Redhead -- whether she is or not, I don't know; Angela Ellis;
22 Carl Buchanan; Vonzella Johnson; Thomas Frieban; Andre Drake;
23 Shari Fickling; Rodney Hayes; Donald Kramer, law enforcement;
24 Shanika Cheatham; Dr. Anna Rubio; Ernest Reynolds, also known as
25 Purple; Keith Benson, whom you've met; James Coker; Peter Rouse,

1 law enforcement; Rich Snyder; Brian Klas, whom you've met;
2 Gregory Mungo; Agent Al Boroshok, law enforcement; Agent Doug
3 Ellington, law enforcement; Aaron Joyner, Robert Heath, law
4 enforcement; Mike Ruby; Eric Lee; April Ellerby; Anna McCoy;
5 Jovanda McDonald; Jason Walters; Doug Schaefer; Maureen
6 Bottrell, B-O-T-R-E-L-L; Edgar Davis; Theresa Whalen, Esquire,
7 an attorney; Arcangelo Tuminelli, Esquire; Joseph McCarthy,
8 Esquire; Michael Montemarano, Esquire; Joshua Treem, Esquire.
9 Down front. Your number?

10 A JUROR: 347.

11 THE COURT: You know Mr. Montemarano?

12 A JUROR: I do.

13 THE COURT: How well?

14 A JUROR: My neighbor.

15 THE COURT: All right. We're going to excuse you.
16 You number again? I'm sorry.

17 A JUROR: 347.

18 THE COURT: 347? We will excuse you. Thank you.
19 Joshua Treem, Esquire; Timothy Sullivan, Esquire;
20 Angus Crawford; and a sports coach by the name of Lynch. Up
21 top?

22 A JUROR: Number 90.

23 THE COURT: Yes, ma'am. You know Coach Lynch?

24 THE JUROR: Is it a female or a male? I had both.

25 MS. RHODES: It's a male.

1 THE COURT: It's a male.

2 A JUROR: Did he coach at Northeast High School in
3 Anne Arundel County?

4 MS. RHODES: What time period?

5 THE COURT: What time period?

6 A JUROR: That would have been from '89, well, I would
7 say '88 to '92.

8 MS. RHODES: Not to my knowledge, Your Honor.

9 THE COURT: All right. If you're selected on the jury
10 and if Mr. Lynch should actually be a witness and if when he
11 comes in you think you recognize him, you will let me know.

12 A JUROR: Okay.

13 THE COURT: All right. Thank you. Does any member of
14 the panel know me?

15 Does any member of the panel know or have any
16 familiarity with any of the court staff who are present before
17 you?

18 Do any of you have any relationship, personal or
19 professional, with any employee of the court here in Baltimore,
20 or in Greenbelt?

21 The answer is no. Right here. Your number, please?

22 A JUROR: 221.

23 THE COURT: 221. All right. You know?

24 A JUROR: I think that you said Mike Tony. A police
25 officer.

1 THE COURT: Okay. What's the name you think you know?

2 A JUROR: It would be Mike Tony. But he would work
3 with a very close personal relative of mine.

4 THE COURT: Let's see if I can find that name. Is
5 this an officer here in Baltimore City?

6 A JUROR: No. Baltimore County.

7 THE COURT: I'm sorry. Is the mike on?

8 A JUROR: Yes. It would be Baltimore County.

9 THE COURT: I don't remember saying Mike Tony. I said
10 Tony Montana.

11 A JUROR: No. That's not the same.

12 MR. MARTIN: Michael Toni.

13 MR. KURLAND: There's Officer Toni, Your Honor.

14 MR. MARTIN: Third page. Okay.

15 THE COURT: Okay. Officer Michael Toni. T-O-N-I.

16 THE CLERK: Yes.

17 A JUROR: Yes.

18 THE COURT: And how do you know --

19 A JUROR: He would have worked with a close personal
20 relative of mine.

21 THE COURT: I see. And you've met him and know him
22 personally or --

23 A JUROR: I may have met him but I don't know him
24 personally. They work together.

25 THE COURT: All right. All right. We'll have other

1 questions that you may have to answer as well. Thank you. You
2 can be seated.

3 Now, ladies and gentlemen, I and the court staff went
4 to considerable lengths to insure that before you were called
5 you knew that this case was expected to be a ten week trial. It
6 could be less than that. I don't expect it to be much more than
7 that, if at all.

8 We will generally be in session from Monday through
9 Thursday. Generally, we will not be in session on Fridays,
10 although there will be two Fridays, I believe one in October and
11 one in November, where we will be in session on a Friday. But
12 generally Monday through Thursday. Even on the Monday through
13 Thursday schedule, there will be a number of weeks, including
14 next week and the week after and the week after that, I believe,
15 when we will not be in session on a particular day.

16 For example, there are certain religious observances
17 in October where we will not be in session. There's one day in
18 particular where the court staff has training and we will not be
19 in session that day.

20 Obviously, once the jury is selected, I will provide
21 the jury with a detailed schedule of when we can expect to be in
22 session.

23 Generally speaking, when we are in session, we will be
24 in session from about 9:30 in the morning until about 5 p.m. in
25 the afternoon, sometimes a little before 5, on rare occasions

1 perhaps, a little bit past 5, but only a little bit.

2 Each day we will have a morning recess of about 15
3 minutes and an afternoon recess in the middle of the afternoon
4 of about 15 minutes. And we will have a luncheon recess of
5 about an hour to an hour 15 minutes each day.

6 So given that proposed schedule and understanding
7 that, if selected, you will be required most weeks to be here
8 Monday through Thursday, from about 9 until 5:30, is there
9 anyone among you who is aware of any emergent situation which,
10 if you were selected, would prevent you from continuing your
11 service through to the end of the trial, perhaps sometimes just
12 before Thanksgiving? All right.

13 Starting at the top, please. Your number?

14 A JUROR: Number 65.

15 THE COURT: I'm sorry. Can you tap a mike? Okay.
16 Hold it close, please.

17 A JUROR: 65.

18 THE COURT: All right. Yes, sir. You have scheduling
19 issue?

20 A JUROR: Yeah. I am required to have 35 and a half
21 hours a week at work to keep my health benefits.

22 THE COURT: And your employer will not pay you for
23 jury service?

24 A JUROR: No.

25 THE COURT: More than just a few days?

1 A JUROR: No, sir.

2 THE COURT: That is a problem, I understand. Most
3 employers will pay individuals their regular pay for, for three
4 or four or five days perhaps, but many employers are not able to
5 pay for more than that.

6 Now, when you say your health insurance, and of course
7 we would do nothing to put your health insurance at jeopardy,
8 you will still be on the payroll. Do I understand you to be
9 saying that you will be in leave without pay and therefore put
10 your health insurance at risk?

11 A JUROR: Right. I'm not getting paid except for the
12 six hours of vacation time I took it come down today.

13 THE COURT: So your employer pays nothing for jury
14 service?

15 A JUROR: Nothing.

16 THE COURT: Well, you tell them Judge Davis says they
17 ought to rethink that. Obviously, I can't make an employer, nor
18 would I ever try, to force an employer to pay. But most
19 employers will at least pay for one day.

20 A JUROR: I will certainly let them know.

21 THE COURT: All right. Tell them Judge Davis thinks
22 they can do better and they ought to pay at least for one day,
23 preferably for three, because most trials are really only three
24 days. But we're going to excuse you. Your number once again?
25 I'm sorry.

1 A JUROR: 65.

2 THE COURT: You're excused. Thank you. Good luck.

3 Down the row. Your number?

4 A JUROR: 80.

5 THE COURT: Yes, sir.

6 A JUROR: I'm scheduled to be out of the country the
7 week of Thanksgiving.

8 THE COURT: Is it business or personal?

9 A JUROR: Personal.

10 THE COURT: And when are you leaving? Like that
11 weekend before?

12 A JUROR: It would be the weekend before and returning
13 the 1st or 2nd of December.

14 THE COURT: All right. That will give us motivation
15 to conclude the case well before then. I assure you we will not
16 impact your vacation. Thank you. Yes, ma'am?

17 A JUROR: 83.

18 THE COURT: Yes, ma'am.

19 A JUROR: My mom is in hospice care right now and I'm
20 not sure. She's stable but I don't want to be in court and
21 something happens.

22 THE COURT: All right. We will certainly avoid
23 inconveniencing you. And your needs will come first, of course.
24 But I won't excuse you at this time. Thank you.

25 A JUROR: Number 34.

1 THE COURT: 34?

2 A JUROR: Yes.

3 THE COURT: Yes, ma'am.

4 A JUROR: I have a similar situation to the first
5 gentleman, where my employer will only pay for a week.

6 THE COURT: Well, you take -- your employer will pay
7 for a week?

8 A JUROR: Yes.

9 THE COURT: Please tell your employer Judge Davis gave
10 him the thumbs up. But after that, you're on leave without pay?

11 A JUROR: Yes.

12 THE COURT: All right. We're going to excuse you.
13 Thank you for being here. Yes, ma'am.

14 A JUROR: Number 39.

15 THE COURT: Yes, ma'am.

16 A JUROR: I am an audit manager accountant and I have
17 several client engagements due the end of this month. My boss
18 is out of town. And I also have several business trips that
19 occur throughout the next few months.

20 THE COURT: All right. We'll see if we can't avoid
21 inconveniencing you and your employer. Thank you. Yes, sir.

22 A JUROR: Number 95.

23 THE COURT: Yes, sir.

24 A JUROR: I work at a restaurant and am manager and,
25 obviously, won't get paid to be here. But I do have a seminar

1 scheduled in October.

2 THE COURT: I'm sorry. Let me interrupt you if I may.
3 Are you saying you're willing not to go to work and be on jury
4 duty even though you're not getting paid?

5 A JUROR: No. I prefer not to.

6 THE COURT: But you don't sound too bothered by it.

7 A JUROR: No. No. I can't afford it, definitely.

8 THE COURT: Okay. All right. We're going to excuse
9 you with our thanks. That was Juror Number 90. Excuse me.
10 What was your number again, sir?

11 A JUROR: 95.

12 THE COURT: 95. Excuse me. Yes, sir.

13 A JUROR: Number 132.

14 THE COURT: Yes, sir.

15 A JUROR: I have two children with severe disabilities
16 that on occasion require hospital stays.

17 THE COURT: All right. We wish you luck with that,
18 our best. We will excuse you at this time. Thank you. Yes,
19 ma'am.

20 A JUROR: Juror Number 128.

21 THE COURT: Yes, ma'am.

22 A JUROR: I work for a corporation in California.
23 They told me I can get ten days paid off. So after that I will
24 be unpaid. And that actually affects my livelihood.

25 THE COURT: Please be sure to give your employer two

1 thumbs up for ten days. Sometimes if the judge calls and asks
2 for a special case, employers will extend it. Would you like me
3 to do that in this instance?

4 A JUROR: I do have travel arrangements booked for
5 work as well. My job's traveling. And I have a government
6 project that's got a September 30th deadline that I'm the
7 assigned, I'm actually a software engineer, I'm the assigned
8 engineer. I don't know that we have the resources.

9 THE COURT: So in other words, your employer is likely
10 to say thanks but no thanks.

11 A JUROR: Pretty much.

12 THE COURT: Okay. We're going to excuse. Thanks.
13 Good luck with that project. Yes, ma'am.

14 A JUROR: Juror Number 127. I'm recently receiving
15 unemployment benefits. And I'm also a single mom and serving on
16 a jury I'm not able and available for work, which would
17 interfere with my benefits.

18 THE COURT: That's interesting. You have to be
19 available for work, but surely they wouldn't penalize you if you
20 were serving on a jury.

21 A JUROR: My understanding is that it's considered as
22 income and they would interfere with my benefits.

23 THE COURT: Okay. That's interesting. Well, we wish
24 you luck. These are difficult economic times. We hope you find
25 employment, if you want to, very soon.

1 A JUROR: I do, thanks.

2 THE COURT: I'm sure you do. Thank you. You're
3 excused. Yes, ma'am.

4 A JUROR: Juror Number 73. I have another summons to
5 appear for Circuit Court for Baltimore City.

6 THE COURT: We got you first. I will take care of
7 that for you. What date are you scheduled to appear?

8 A JUROR: October the 8th.

9 THE COURT: All right. You will remind me, if you get
10 selected, you will be sure to remind me to talk to my colleagues
11 in the Circuit Court.

12 A JUROR: Thank you.

13 THE COURT: Thank you very much. Yes, sir?

14 A JUROR: Juror Number Ten.

15 THE COURT: Yes, sir.

16 A JUROR: My employer isn't paying for any of this.

17 THE COURT: Not even three days?

18 A JUROR: Not even a day.

19 THE COURT: You are on annual leave today to come?

20 A JUROR: Well, they said I can have off but, I can
21 take a vacation day or not get paid.

22 THE COURT: Thumbs down to them.

23 A JUROR: Yes.

24 THE COURT: All right. We'll excuse you. Good luck.
25 Thank you. Down front?

1 A JUROR: I'm Juror Number 21.

2 THE COURT: Yes, ma'am.

3 A JUROR: I had surgery in June, on June 20th.

4 THE COURT: I'm sorry. Just one moment. Your juror
5 number again?

6 A JUROR: 21. I had surgery on June 20th and I had
7 three weeks off paid from work. And I hate to ask for another
8 eight to ten weeks paid from work off.

9 THE COURT: Even if they say yes?

10 A JUROR: Well, if they say yes. But I'm the only
11 person who does my position in my company. So I'm not sure that
12 they would say yes.

13 THE COURT: Okay. We'll see if we can avoid
14 inconveniencing you.

15 A JUROR: Okay.

16 THE COURT: Thank you. And your employer. And I have
17 to ask this question, those of you still standing, and those of
18 you who seem to be standing even as we go through this, we
19 really did try to notify people that this was going to be ten
20 weeks. And I appreciate that we didn't succeed for some of you.
21 That is a very, the letter you got is a very, contains a lot of
22 information. And I suppose some of you may have missed it. All
23 right. Let's go here, please.

24 A JUROR: Number 196.

25 THE COURT: All right. Just a moment. Yes, sir.

1 A JUROR: My employer only pays for five days.

2 THE COURT: All right. Thumbs up to your employer but
3 you are excused.

4 A JUROR: 199.

5 THE COURT: Yes, ma'am.

6 A JUROR: I didn't receive my summons until about a
7 week and a half ago.

8 THE COURT: Yes, ma'am.

9 A JUROR: And I have two boys at home that I can't
10 afford to pay a babysitter for that amount of time.

11 THE COURT: All right. You normally have them in your
12 care and custody all day?

13 A JUROR: Yes.

14 THE COURT: All right. We'll excuse you. Thank you.
15 Yes, sir.

16 A JUROR: Juror Number 215.

17 THE COURT: Yes, sir.

18 A JUROR: I have an October date for court.

19 Apparently, I was driving on an expired registration, which I
20 didn't know.

21 THE COURT: Apparently --

22 A JUROR: I didn't get a notice from the Motor
23 Vehicles. But I have no intention on paying it. And I went in
24 and got my registration renewed.

25 THE COURT: Of course. So you want to go. Of course.

1 We will either get it postponed for you, if you're chosen, or we
2 will not be in session if you have to go to court. But I assure
3 you, we won't inconvenience you in any way.

4 A JUROR: Which is fine with me. I just don't want to
5 pay the 120 dollars.

6 THE COURT: Absolutely. By the way, by the way, it
7 does happen sometimes that, for one reason or another, people
8 don't get notice from MVA. It's a good idea to go to court and
9 explain the circumstances. So you won't be inconvenienced.

10 A JUROR: Thank you.

11 THE COURT: Yes, sir.

12 A JUROR: Juror Number 237.

13 THE COURT: I'm sorry?

14 A JUROR: Juror Number 237.

15 THE COURT: 237. Yes, sir.

16 A JUROR: My employer's not paying for anything and
17 I'm also taking morning classes that would interfere with coming
18 here.

19 THE COURT: Thumbs down to your employer. But you're
20 excused. Thank you. Would you pass the mike back behind you?
21 Oh, you have one.

22 A JUROR: Number 180.

23 THE COURT: Yes, ma'am.

24 A JUROR: I'm a full-time student and I can't afford
25 to miss eight to ten weeks.

1 THE COURT: Wouldn't you rather be on the jury than go
2 to class?

3 A JUROR: And I'm getting married next month.

4 THE COURT: Congratulations.

5 A JUROR: Thank you.

6 THE COURT: Won't that interfere with your studies?

7 A JUROR: Yeah. But I've already got an approval for
8 that. I don't think I can do eight to ten weeks.

9 THE COURT: So you're working full-time and going to
10 school full-time?

11 A JUROR: Yes. Got a lot going on.

12 THE COURT: All right. We're going to excuse you.
13 Thank you. Good luck.

14 A JUROR: 174.

15 THE COURT: Yes, ma'am.

16 A JUROR: I am my daughter's sole transportation to
17 and from school. We travel 30, 40 minutes each way. We come
18 from Anne Arundel County up to Baltimore County for school.

19 And --

20 THE COURT: Can you hold it closer, please?

21 A JUROR: I don't believe my daughter could stay at
22 school, she can't stay until after 4:00, for that length of
23 period. There would be no one there. And I am her only
24 transportation.

25 THE COURT: I see. What grade is she in?

1 A JUROR: She is a senior this year at the Catholic
2 High School of Baltimore. But we live in Pasadena in Anne
3 Arundel County.

4 THE COURT: You didn't buy her a car?

5 A JUROR: She's not driving through the tunnel.

6 THE COURT: Oh.

7 A JUROR: She's a brand new driver.

8 THE COURT: I was kidding, of course. And you're the
9 only one who can provide the transport?

10 A JUROR: My husband works in Virginia a lot of times,
11 or Hanover, a different direction.

12 THE COURT: So you're going to be in Baltimore,
13 anyway.

14 A JUROR: Well, this morning wasn't hard. It's the
15 afternoons that are really going to cause a great deal of stress
16 on her and myself because --

17 THE COURT: What time would you need to leave here?
18 What time do you normally pick her up?

19 A JUROR: 2:30.

20 THE COURT: Oh, 2:30.

21 A JUROR: 2:30. So that's when she would be finished,
22 2:20, actually.

23 THE COURT: Okay. We're going to excuse you. Thank
24 you.

25 A JUROR: Thank you.

1 A JUROR: Number 157.

2 THE COURT: 157. Yes, ma'am.

3 A JUROR: I didn't know until actually this Saturday
4 that my boss is not paying for anything, including today.

5 THE COURT: Okay. Thumbs down to your boss. You're
6 excused. Yes, ma'am?

7 A JUROR: Hi. Number 58.

8 THE COURT: Yes, ma'am.

9 A JUROR: At this time I'm only being paid for one
10 week of jury duty and, also, I'm the only one available to work
11 evenings at the place where I'm employed.

12 THE COURT: All right. We'll excuse you.

13 A JUROR: Thank you.

14 THE COURT: Thank you. Yes, ma'am?

15 A JUROR: Juror 256.

16 THE COURT: All right. Just a moment, please. Yes,
17 ma'am.

18 A JUROR: I have middle school children that I need to
19 be home for in the afternoon. My son has some disabilities,
20 that he needs monitoring with homework and so forth.

21 THE COURT: All right. We're going to excuse you.
22 Thank you. Good luck. Best wishes. Yes, ma'am?

23 A JUROR: Juror 315.

24 THE COURT: Just a moment. Yes, ma'am.

25 A JUROR: Two days ago I found out from my parents who

1 are back home in Guam that they need me to take care of their
2 business. So there's a chance that I might be leaving October
3 27th but it's still in the talks. I'm still conversating with
4 my parents on when to leave. But the date I'm planning to leave
5 will probably be October 27th.

6 THE COURT: Okay. We will absolutely avoid any
7 inconvenience to you in that regard. Thank you. Yes, sir.

8 A JUROR: Juror Number 319.

9 THE COURT: Yes, sir.

10 A JUROR: I'm a small business owner. I have a ten
11 employee construction firm. And when I filled out the paperwork
12 in July, everything was okay. And now I have some financial
13 distress going on that I really, there's no way I can be away
14 from business. It won't survive.

15 THE COURT: How many days do you pay for jury service?

16 A JUROR: I'm going to pay for five now. I'll change
17 the handbook when I get back.

18 THE COURT: All right. So it was beneficial for you
19 to be here. We'll excuse you, sir. Thank you. Good luck.

20 A JUROR: Juror 321.

21 THE COURT: Yes, ma'am.

22 A JUROR: I would be more than happy to miss my day
23 job to be here because my employer does pay, but I will lose my
24 night job. I didn't realize we will go to 5:00 and I start
25 working at 5:00.

1 THE COURT: I assume it's part-time?

2 A JUROR: Yes, it is.

3 THE COURT: Can you not push it back and start at
4 seven or something?

5 A JUROR: I teach night school.

6 THE COURT: So you can't change the classes?

7 A JUROR: No.

8 THE COURT: Okay. What was your number again? I'm
9 sorry.

10 A JUROR: 321.

11 THE COURT: Okay. We're going to hold on to you for
12 now but we will avoid inconveniencing you, I'm sure. What time
13 do classes start?

14 THE JUROR: Classes start at 5 p.m.

15 THE COURT: And how far from here is the school?

16 A JUROR: I teach in Howard County for the evening
17 school program.

18 THE COURT: And your class starts at 4?

19 A JUROR: Yeah. We're usually there at 4:30.

20 THE COURT: Okay. Thank you. Yes, ma'am.

21 A JUROR: Number 333.

22 THE COURT: Yes.

23 A JUROR: I have been receiving unemployment benefits.
24 I've been unemployed for six months. And I just got a job offer
25 and I'm supposed to be starting next week.

1 THE COURT: Okay. Well, good luck with that. Your
2 number, again? I'm sorry.

3 A JUROR: 333.

4 THE COURT: 333. You're excused. Yes, sir.

5 A JUROR: 344, Your Honor.

6 THE COURT: Yes, sir.

7 A JUROR: I'm a former law enforcement officer.

8 THE COURT: All right. That absolutely does not
9 disqualify you at all.

10 A JUROR: I just wanted to bring it to your attention.

11 THE COURT: We'll get to that, I assure you. Would
12 that affect your ability to serve as a juror?

13 A JUROR: No, Your Honor.

14 THE COURT: You can be fair to the defendants and to
15 the government?

16 A JUROR: Yes, Your Honor.

17 THE COURT: Okay. We will have questions covering
18 that. Thank you. Yes, ma'am.

19 A JUROR: 327.

20 THE COURT: Yes, sir. Yes, ma'am. Excuse me.

21 A JUROR: Fine. Today I'm here just on my own
22 personal pay. My employer does not pay for jury duty
23 whatsoever.

24 THE COURT: All right. You know the drill, right?

25 A JUROR: Yeah. I'll be happy to let them know.

1 THE COURT: Please. Thank you. You're excused.

2 A JUROR: I'm 386. Today just happens to be my day
3 off. However, I am not aware of what my employer's policy is on
4 this question. It's something I could have clarified. But at
5 this moment I'm not sure.

6 THE COURT: Are you a journalist?

7 A JUROR: Yes, I am.

8 THE COURT: You work from home, right?

9 A JUROR: Sometimes, yes.

10 THE COURT: All right. But you do have to go to the
11 office from time to time?

12 A JUROR: Yeah.

13 THE COURT: You know, actually, I think our schedule
14 will be such, with these individual days when we won't be in
15 session, that you will be able to cover your office work pretty
16 easily, actually.

17 A JUROR: Probably, yes.

18 THE COURT: Thank you. But let us know if you're
19 chosen and you discover that this is a problem.

20 A JUROR: Okay.

21 THE COURT: Thank you. Behind you, please. Yes, sir.

22 A JUROR: 350.

23 THE COURT: Yes, sir.

24 A JUROR: I don't know my company's policy on that
25 length of leave. And I also have my company sending me to Texas

1 on the, well, it's actually the 27th through the 29th. But
2 since you're not in session on the 27th, it will be okay.

3 THE COURT: I am sure your employer, I'm looking at
4 your employer here, I am sure they will cover.

5 THE JUROR: Okay.

6 THE COURT: 10 weeks. 12 weeks.

7 A JUROR: That's fine. I just wanted to let you know
8 about the 29th, though.

9 THE COURT: And the 29th of?

10 A JUROR: September.

11 THE COURT: September. And when will you return?

12 A JUROR: I actually come back on the 29th but it's at
13 night.

14 THE COURT: I see. So it's one day.

15 A JUROR: Yes.

16 THE COURT: Thank you. Yes, ma'am.

17 A JUROR: Hi. 153.

18 THE COURT: Yes, ma'am.

19 A JUROR: I just found out my employer only covers up
20 to five days.

21 THE COURT: All right. We'll excuse you. Yes, sir.

22 A JUROR: Juror Number 25.

23 THE COURT: Yes, sir.

24 A JUROR: I'm temporarily employed and I'm not sure of
25 what my employer, of what they reimburse for jury duty. But

1 regardless if they do, I work for, the large amount of my income
2 is tips. So even if they would cover it, I would be making next
3 to nothing. I'm also, I'm also --

4 THE COURT: All right. I think you've convinced us.
5 You're excused. Thank you. Yes, sir.

6 A JUROR: 434.

7 THE COURT: Yes, sir.

8 A JUROR: I just accepted a new job and I'll be
9 relocating to Pittsburgh.

10 THE COURT: When are you moving?

11 A JUROR: In the next two to three weeks.

12 THE COURT: You looking for a house?

13 A JUROR: Yeah.

14 THE COURT: You going to root for the Steelers?

15 A JUROR: I'm already a Steelers fan, so --

16 THE COURT: All right. We'll excuse you. Thank you.
17 Would you please stand if you or a close family member or close
18 personal friend previously or presently are employed by a law
19 enforcement agency? Law enforcement agency should be given a
20 very broad definition. Not only any police department or State
21 Police, any federal law enforcement agency, state or local,
22 including the Department of Corrections, but also the Internal
23 Revenue Service, the SEC, any agency with law enforcement
24 responsibilities.

25 Let's start over here. I think we can hear you if you

1 speak into that mike, sir. Your number?

2 A JUROR: 400.

3 THE COURT: I'm sorry. Your number?

4 A JUROR: That's my number.

5 THE COURT: I didn't hear you, sir.

6 A JUROR: 400.

7 THE COURT: 400.

8 A JUROR: My son-in-law's a Maryland State Police.

9 THE COURT: For how long?

10 A JUROR: Six years.

11 THE COURT: And would your knowledge of your
12 son-in-law's training and experience affect your ability to
13 serve fairly and impartially as a juror in this case?

14 A JUROR: No.

15 THE COURT: You could be fair to the defendants and to
16 the government?

17 A JUROR: Yes.

18 THE COURT: Thank you very much. Yes, ma'am, your
19 number?

20 A JUROR: It's 410.

21 THE COURT: Yes, ma'am.

22 A JUROR: My daughter's an assistant state's attorney
23 for Harford County.

24 THE COURT: For how long?

25 A JUROR: A couple, two years.

1 THE COURT: Do you know whether she does misdemeanors
2 or felonies or both?

3 A JUROR: Child support.

4 THE COURT: I see. Would your knowledge of your
5 daughter in-law's training and experience affect your ability to
6 serve fairly and impartially as a juror in this case?

7 A JUROR: No. I do want to state one other thing.
8 When you were going through the names or whatever, I recollect
9 one of the names on the list, I think it was Tuminelli.

10 THE COURT: Arcangelo Tuminelli, a lawyer around town?

11 A JUROR: Yeah. I recognize that from the news and
12 from where I work at where he comes in. So I don't know if
13 that's --

14 THE COURT: Do you have any personal contact with him
15 or? He's an attorney who practices in this area.

16 A JUROR: No. No. I don't have any personal.

17 THE COURT: All right. Thank you very much. Yes,
18 sir, your number?

19 A JUROR: Number is 444.

20 THE COURT: Yes, sir.

21 A JUROR: I served as a summary court marshal officer
22 while in the military.

23 THE COURT: How long ago was that, sir?

24 A JUROR: 35 years ago.

25 THE COURT: Would your training and experience and

1 recollection of your experience affect your ability to serve as
2 a juror?

3 A JUROR: No.

4 THE COURT: Thank you very much. Yes, sir.

5 A JUROR: Number 419. My father's retired deputy
6 sheriff, Charles County Sheriff's Department. And for seven
7 years I worked for the U.S. Customs in the credit union but I'm
8 familiar --

9 THE COURT: Had a lot of contact with agents and
10 officers?

11 A JUROR: (Nods yes.)

12 THE COURT: You have to say yes or no.

13 A JUROR: Yes.

14 THE COURT: Would your father's experience affect your
15 ability to serve as a juror?

16 A JUROR: Had a lot of influence on me but I make my
17 own decisions. So no.

18 THE COURT: So you could be fair to the defense and to
19 the government?

20 A JUROR: Yes.

21 THE COURT: You could follow the Court's instructions?

22 A JUROR: Yes.

23 THE COURT: All right. And your own experience at the
24 credit union, would that affect your ability to serve as a
25 juror?

1 A JUROR: It would not.

2 THE COURT: Thank you very much. Yes.

3 A JUROR: Number 50.

4 THE COURT: Yes, sir.

5 A JUROR: Retired Anne Arundel County Detention
6 officer and retired military police.

7 THE COURT: How long retired?

8 A JUROR: Five years now.

9 THE COURT: And how long were you with Anne Arundel?

10 A JUROR: Fifteen years.

11 THE COURT: Would your training and experience affect
12 your ability to serve fairly as a juror in this case?

13 A JUROR: No, sir.

14 THE COURT: You could be fair to the defense?

15 A JUROR: Yes, sir.

16 THE COURT: And to the government?

17 A JUROR: Yes, sir.

18 THE COURT: Thank you very much.

19 A JUROR: Juror Number 49.

20 THE COURT: Yes, sir.

21 A JUROR: Yes. I have quite a few close friends who
22 are in the police force. I have a neighbor who's in Howard
23 County Police. So I have several associates or friends that I
24 know who are in law enforcement area.

25 THE COURT: And would I be correct, you all have

1 cook-outs, barbeques, you play cards, you go to movies, you
2 visit each others' homes?

3 A JUROR: We don't play cards but we play basketball.

4 THE COURT: I slipped that in there to see if you were
5 listening. Very good.

6 A JUROR: No, Your Honor.

7 THE COURT: But these are fairly close friends?

8 A JUROR: Close friends that we socialize with
9 probably every week.

10 THE COURT: And they talk about their work?

11 A JUROR: On occasion, yes.

12 THE COURT: Would your knowledge of their training and
13 experience in any way affect your ability to serve as a juror in
14 this case?

15 A JUROR: No, Your Honor.

16 THE COURT: Again, you could be fair to the defense
17 and to the government?

18 A JUROR: Yes, Your Honor.

19 THE COURT: Could you follow the Court's instructions
20 and base a verdict, if you were chosen as a juror, solely on the
21 evidence presented?

22 A JUROR: Yes, Your Honor.

23 THE COURT: Thank you very much. Next.

24 A JUROR: 31.

25 THE COURT: Yes, sir.

1 A JUROR: I have numerous friends that are on the
2 police department, different police departments. And I've also
3 served with Civil Air Patrol. That has a lot of police
4 activity.

5 THE COURT: I see. Would either your own experience
6 or that of your friends and associates in any way affect your
7 ability to serve as a juror?

8 A JUROR: No.

9 THE COURT: Thank you very much.

10 A JUROR: Number 30.

11 THE COURT: Yes, ma'am.

12 A JUROR: My uncle is an Anne Arundel County police
13 officer, and I'm currently in the process of, the hiring process
14 with the ATF.

15 THE COURT: How far along are you in the process?

16 A JUROR: I've had my background check.

17 THE COURT: Okay.

18 A JUROR: That's the last step.

19 THE COURT: All right. We're going to excuse you.
20 Thank you very much. That was Juror 30, correct?

21 A JUROR: Yes.

22 THE COURT: Good luck.

23 A JUROR: Thanks.

24 THE COURT: Yes, ma'am?

25 A JUROR: Juror Number 70.

1 THE COURT: Yes.

2 A JUROR: My husband is employed by the Division of
3 Corrections.

4 THE COURT: He's a correctional officer?

5 A JUROR: Yes.

6 THE COURT: How long?

7 A JUROR: Eight years.

8 THE COURT: Would your knowledge of his training and
9 experience in any way affect your ability to serve as a juror?

10 A JUROR: No.

11 THE COURT: You could be fair to all sides?

12 A JUROR: Yes.

13 THE COURT: Thank you very much. Yes, ma'am.

14 A JUROR: 67. My brother-in-law is a retired
15 policeman in the Baltimore City Police Department.

16 THE COURT: How long was he with the department?

17 A JUROR: Oh, for about 20, 25 years.

18 THE COURT: Would your knowledge of his training and
19 experience affect your ability to serve?

20 A JUROR: No.

21 THE COURT: Thank you very much. Yes, ma'am?

22 A JUROR: Number 73.

23 THE COURT: Yes.

24 A JUROR: I work for the Department of Public Safety
25 and Correctional Services.

1 THE COURT: Generally, what do you do for them?

2 A JUROR: Administrative aide, Capital Construction
3 Division.

4 THE COURT: Are you in Annapolis or Preston Street or
5 where?

6 A JUROR: Reisterstown, 6776.

7 THE COURT: Okay. So you have no direct contact with
8 any correctional officers or law enforcement?

9 A JUROR: No.

10 THE COURT: But it is a law enforcement agency?

11 A JUROR: Yes.

12 THE COURT: Would your knowledge of how the department
13 works and your contact with your fellow employees or anything
14 else in connection with your employment affect your ability to
15 serve as a juror?

16 A JUROR: No.

17 THE COURT: Thank you very much. Yes, sir.

18 A JUROR: 108.

19 THE COURT: Yes, sir.

20 A JUROR: I also work for the Department of Public
21 Safety and Corrections for the last ten years.

22 THE COURT: And just your location. Not the address,
23 but your location?

24 A JUROR: I'm in West Patterson Street right now and
25 used to work down at Central Booking.

1 THE COURT: I see. But you've never worked inside any
2 of the institutions?

3 A JUROR: I travel there often. I'm a computer system
4 engineer.

5 THE COURT: I see. I see. So you're into work on
6 their information technology infrastructure. Would your
7 training and experience or the contact you have with your fellow
8 employees in any way affect your ability to serve as a juror?

9 A JUROR: No, sir.

10 THE COURT: Thank you very much. Yes, ma'am.

11 A JUROR: Hi. I'm Number 87.

12 THE COURT: Yes, ma'am.

13 A JUROR: I worked for an managed care that was
14 contracted by the Texas Department of Criminal Justice, as a
15 medical records technician.

16 THE COURT: Would that experience affect your ability
17 to serve as a juror?

18 A JUROR: No.

19 THE COURT: Thank you very much. Yes, ma'am?

20 A JUROR: Number 90. My brother's a correctional
21 officer in Anne Arundel County and my best friend and her
22 husband are Baltimore County and Anne Arundel County police
23 officers.

24 THE COURT: And you talk about their work from time to
25 time?

1 A JUROR: Yes.

2 THE COURT: Would your knowledge of their work, their
3 training, their experience, in any way affect your ability to
4 serve as a juror?

5 A JUROR: No, sir.

6 THE COURT: Obviously, they told you stories about
7 their activities?

8 A JUROR: Yes, sir.

9 THE COURT: Some of them funny?

10 A JUROR: Yes.

11 THE COURT: Some of them not so funny?

12 A JUROR: Yes.

13 THE COURT: But you could put aside all of that and
14 pay attention to the evidence, following the Court's
15 instructions, and render a verdict based solely on the evidence?

16 A JUROR: Absolutely.

17 THE COURT: Thank you very much.

18 A JUROR: Hi. 176.

19 THE COURT: Yes, ma'am.

20 A JUROR: My father is a retired corrections officer
21 for the State of New York.

22 THE COURT: Would your knowledge of his experiences in
23 any way affect your ability to serve as a juror?

24 A JUROR: No.

25 THE COURT: Thank you very much.

1 A JUROR: Juror 168.

2 THE COURT: Yes, ma'am.

3 A JUROR: My Goddaughter is a correctional officer and
4 I have family and friends that are in law enforcement. But it
5 would not affect my ability.

6 THE COURT: All right. Where's your -- is it your
7 daughter-in-law?

8 A JUROR: My Goddaughter.

9 THE COURT: Your Goddaughter.

10 A JUROR: Yes.

11 THE COURT: Where is she employed?

12 A JUROR: Patuxent.

13 THE COURT: How long?

14 A JUROR: Five years.

15 THE COURT: All right. But you say you can be fair
16 and impartial and judge the case based on the evidence?

17 A JUROR: Yes.

18 THE COURT: Thank you very much. Yes, sir.

19 A JUROR: Juror 215.

20 THE COURT: Yes, sir.

21 A JUROR: I have several friends and family that are
22 either retired or currently working in Baltimore, Baltimore
23 City, either corrections or law enforcement.

24 THE COURT: Let's start with the family. Who among
25 your family are --

1 A JUROR: I've got two cousins and an aunt in
2 correctional, an uncle who was retired correctional.

3 THE COURT: All right. Would your knowledge of their
4 experiences and training in any way affect your ability to serve
5 as a juror?

6 A JUROR: No.

7 THE COURT: All right. You were going on to say?

8 A JUROR: Just friends through, church members who are
9 in the law enforcement, in Baltimore City.

10 THE COURT: I see. Would your knowledge of their
11 experiences affect your ability to serve?

12 A JUROR: No, sir.

13 THE COURT: Thank you very much. Yes, ma'am.

14 A JUROR: 221.

15 THE COURT: Yes.

16 A JUROR: I have a cousin who's a Baltimore City
17 Police officer and a husband who is 20 years Baltimore County.

18 THE COURT: I'm sorry. Her husband or your --

19 A JUROR: My husband.

20 THE COURT: Your husband.

21 A JUROR: My cousin is a male, Baltimore City.

22 THE COURT: I see. But your husband is a county
23 police officer?

24 A JUROR: Yes.

25 THE COURT: And you say for 20 years?

1 A JUROR: Yes.

2 THE COURT: And can you just tell us generally what
3 division he's assigned to at this time?

4 A JUROR: You mean a department? Franklin, Owings
5 Mills, Baltimore County.

6 THE COURT: Works out of that precinct?

7 A JUROR: Um-hum.

8 THE COURT: Would your knowledge of his experiences
9 affect your ability to serve as a juror?

10 A JUROR: No.

11 THE COURT: You must have heard a lot of stories over
12 the years?

13 A JUROR: Yes.

14 THE COURT: Has he ever been involved in a shooting?

15 A JUROR: Yes.

16 THE COURT: All right. In that light, we're going to
17 excuse you. Well, no we won't. No, we won't. We'll talk to
18 you here at the bench about that and other matters. All right.
19 Thank you. Yes, ma'am.

20 A JUROR: Juror 270.

21 THE COURT: Yes, ma'am.

22 A JUROR: My brother-in-law is retired Baltimore City
23 and two of my closest friends, their husbands, Baltimore City
24 and Carroll County Sheriff's Department.

25 THE COURT: Would your knowledge of their training and

1 experience or your relationship with any of them affect your
2 ability to serve as a juror?

3 A JUROR: No.

4 THE COURT: Thank you very much.

5 A JUROR: Because of the school where I work, I have a
6 lot of contact with the Department of Juvenile Justice and,
7 also, my boyfriend works for Parole and Probation in the State
8 of Maryland.

9 THE COURT: Your number, please?

10 A JUROR: 321, sorry.

11 THE COURT: We probably should just let you go.

12 A JUROR: Thank you, sir.

13 THE COURT: All right. That was three --

14 A JUROR: 321.

15 THE COURT: Thank you. Yes, sir.

16 A JUROR: 344.

17 THE COURT: I'm sorry. Once again, the number?

18 A JUROR: 344.

19 THE COURT: Yes, sir.

20 A JUROR: I have a relative who's retired Baltimore
21 County Police officer. I have served eight years as Baltimore
22 County Police officer. And I still know current and active and
23 retired police officers.

24 THE COURT: You didn't recognize any of the names that
25 I read out earlier as people you might know from the Baltimore

1 County Police Department?

2 A JUROR: No, sir, I didn't.

3 THE COURT: All right. You said before that your own
4 personal service would not affect your ability to serve. Is
5 there any different aspect from your knowledge and friendship
6 with these associates?

7 A JUROR: No, sir.

8 THE COURT: You could put aside your experience,
9 anything you learned outside the courtroom, and judge the case
10 based solely on the evidence?

11 A JUROR: Yes, sir.

12 THE COURT: Thank you very much. Yes, ma'am.

13 A JUROR: Juror 314.

14 THE COURT: Hold it closer, please.

15 A JUROR: Sorry. Juror 314.

16 THE COURT: Yes.

17 A JUROR: I have an uncle who is a former police
18 officer and a friend who is preparing to join ATF.

19 THE COURT: How close is the friend preparing to join
20 ATF?

21 A JUROR: She's one of my best friends.

22 THE COURT: And is she joining as a sworn agent or for
23 some, some other capacity?

24 A JUROR: I'm assuming an agent.

25 THE COURT: Okay. It's a perfectly sensible

1 assumption. But they hire other people to do other things other
2 than an agent. Why do you think, why have you assumed that
3 she's applying to become an agent, other than maybe she told you
4 so?

5 A JUROR: Based on the things that she said, it's
6 given me the indication that it's --

7 THE COURT: Can you raise the microphone?

8 A JUROR: Based on what we've discussed, it sounds
9 like she's --

10 THE COURT: Is she presently in law enforcement or has
11 she expressed the desire?

12 A JUROR: Well, she's security.

13 THE COURT: I see.

14 A JUROR: She's preparing.

15 THE COURT: Do you know what -- I'm sorry. Go ahead.

16 A JUROR: I'm sorry. She's taken the exam. She's in
17 doing the physical preparation now.

18 THE COURT: But you don't know what stage it's
19 reached?

20 A JUROR: No.

21 THE COURT: Have you been interviewed about her
22 background?

23 A JUROR: No.

24 THE COURT: Has she listed you as a reference or? You
25 don't know?

1 A JUROR: I don't know.

2 THE COURT: Okay. But this is a very close friend?

3 A JUROR: Yes.

4 THE COURT: Would the fact that she's applying to go
5 to work for the Bureau of Alcohol, Tobacco and Firearms affect
6 your ability to serve as a juror?

7 A JUROR: No.

8 THE COURT: We are likely to have ATF agents testify
9 in this case. Would that affect your ability to judge their
10 testimony, just as you would judge any other witness' testimony?

11 A JUROR: It wouldn't affect my ability, no.

12 THE COURT: All right. Thank you very much. Yes,
13 sir.

14 A JUROR: Juror 336.

15 THE COURT: Yes, sir.

16 A JUROR: I have a family friend who's a Secret
17 Service agent.

18 THE COURT: How long has this friend been on the
19 Secret Service, been with the Secret Service?

20 A JUROR: Going on 20 years at least.

21 THE COURT: And he's been your friend for about that
22 long?

23 A JUROR: No, sir. Probably for the last eight years.

24 THE COURT: Is he on the Presidential Protection?

25 A JUROR: He was prior but he's got a different job

1 description.

2 THE COURT: All right. And did you say he's a friend
3 and neighbor?

4 A JUROR: He was a neighbor. He moved. He's in a
5 different neighborhood but our sons play on the same baseball
6 team.

7 THE COURT: I see. So you see him in the spring and
8 summer and other times?

9 A JUROR: Sure.

10 THE COURT: Would your knowledge of his training and
11 experience affect your ability to serve as a juror?

12 A JUROR: No, Your Honor.

13 THE COURT: Thank you very much. Yes, sir.

14 A JUROR: Number 14.

15 THE COURT: Yes.

16 A JUROR: I currently volunteer at the Anne Arundel
17 County Detention Center on Jennifer Road, with the Good News
18 Jail In Prison Ministry.

19 THE COURT: And how long have you been doing that?

20 A JUROR: Approximately four years.

21 THE COURT: And do you find it satisfying?

22 A JUROR: I do.

23 THE COURT: Would your activities in that regard,
24 working with inmates, affect your ability to serve as a juror in
25 this case?

1 A JUROR: No, it wouldn't.

2 THE COURT: You could be fair to the government and to
3 the defense?

4 A JUROR: Yes, sir.

5 THE COURT: Thank you very much. Yes, sir?

6 A JUROR: 350.

7 THE COURT: Yes.

8 A JUROR: My first cousin, well, two of my first
9 cousins, one is a correctional officer and one's a Baltimore
10 City officer.

11 THE COURT: You see them frequently?

12 A JUROR: Every weekend.

13 THE COURT: Do you play cards?

14 A JUROR: No, I don't. We eat a lot.

15 THE COURT: You eat a lot. Would your experience with
16 these good friends and cousins affect your ability to serve as a
17 juror?

18 A JUROR: No. But I also wanted to say that my
19 present, my past position at work, I dealt a lot with Homeland
20 Security, ATF, and FBI, CIA.

21 THE COURT: All right. And would that interaction in
22 any way affect your ability to serve as a juror?

23 A JUROR: No.

24 THE COURT: Thank you very much. Yes, sir.

25 A JUROR: 301.

1 THE COURT: Yes.

2 A JUROR: My father's retired DC Metropolitan Police.

3 THE COURT: How long was he with the department?

4 A JUROR: Twenty years.

5 THE COURT: And would his experiences and training in
6 any way affect your ability to serve?

7 A JUROR: No.

8 THE COURT: Thank you very much. Yes, sir.

9 A JUROR: 373.

10 THE COURT: Yes.

11 A JUROR: My father previously worked at a
12 correctional facility in California.

13 THE COURT: No longer employed there?

14 A JUROR: No.

15 THE COURT: How long was he so employed, do you
16 recall?

17 A JUROR: I don't remember how long it was. It was
18 before I was born.

19 THE COURT: I see. So he didn't retire from there?

20 A JUROR: No.

21 THE COURT: Would your limited knowledge of his
22 experience -- is your knowledge limited of his experience?

23 A JUROR: Fairly limited, yes.

24 THE COURT: Okay. Would your knowledge such as it is
25 affect your ability to serve as a juror?

1 A JUROR: No, sir.

2 THE COURT: Thank you very much.

3 A JUROR: 371.

4 THE COURT: Yes, ma'am.

5 A JUROR: I have a brother who's a deputy sheriff in
6 Baltimore County.

7 THE COURT: How long?

8 A JUROR: About 22 years.

9 THE COURT: He shared some stories?

10 A JUROR: Yes.

11 THE COURT: Would you be able to judge the facts of
12 this case based solely on the evidence?

13 A JUROR: Yes, sir.

14 THE COURT: Put aside anything you've learned or heard
15 outside the courtroom?

16 A JUROR: Yes.

17 THE COURT: Thank you very much.

18 A JUROR: 389.

19 THE COURT: Yes, sir.

20 A JUROR: Back in the early 90's I spent 18 months
21 working at the Bureau of Alcohol, Tobacco and Firearms as a
22 computer consultant.

23 THE COURT: Would your experience or interaction with
24 that agency or its employees affect your ability to serve as a
25 juror?

1 A JUROR: No.

2 THE COURT: Thank you very much.

3 A JUROR: 399.

4 THE COURT: Yes, sir.

5 A JUROR: My brother-in-law is retired Baltimore
6 County Police, about 25 years.

7 THE COURT: Would your knowledge of his experience and
8 training affect your ability to serve?

9 A JUROR: No.

10 THE COURT: Thank you very much. Yes, sir.

11 A JUROR: 330. My dad was a cop in North Carolina
12 before I was born, but it shouldn't affect my judgment now.

13 THE COURT: All right. Thank you very much.

14 Members of the jury venire and counsel, I'm very aware
15 that we're well into the luncheon hour and my stomach is
16 growling as much as yours, I assure you. We're going to take a
17 break very shortly.

18 Members of the jury panel, people have different
19 interactions with and experiences with law enforcement, and so
20 we typically ask this question. Is there anyone among you who
21 would evaluate the testimony of a witness differently simply
22 because the witness is a law enforcement officer?

23 Let me rephrase the question. Is there anyone among
24 you who would give greater weight to the testimony of a witness
25 or lesser weight to the testimony of a witness simply because

1 the witness was a law enforcement officer? Yes, sir. Your
2 number?

3 A JUROR: 355.

4 THE COURT: All right. Just one moment. So you would
5 have some difficulty following the Court's instructions in the
6 manner in which testimony is evaluated if the witness was a law
7 enforcement officer? That's what you're saying?

8 A JUROR: Possibly.

9 THE COURT: Okay. And you believe there might be some
10 difficulty on your part in putting aside prior experiences and
11 any beliefs and opinions and follow that Court's, the Court's
12 instructions?

13 A JUROR: Yes.

14 THE COURT: Okay. Thank you. We're going to excuse
15 you, sir. Thank you for being with us. Yes.

16 A JUROR: Three --

17 THE COURT: You should know your number by now.

18 A JUROR: 344, Your Honor.

19 THE COURT: Yes, sir. Owing to your experience and
20 your friends and associates, you would find some difficulty?

21 A JUROR: Based off my experience and other people's
22 experiences.

23 THE COURT: We understand. We understand. We're
24 going to excuse you.

25 A JUROR: Thank you, Your Honor.

1 THE COURT: Yes, sir, your number.

2 A JUROR: 336, Your Honor.

3 THE COURT: Yes, sir. You would have some difficulty?

4 A JUROR: Well, I tend, I would have a tendency to
5 believe the law enforcement officers, yes, sir.

6 THE COURT: Okay. So you couldn't, couldn't adhere to
7 the Court's instruction that a law enforcement witness is
8 nothing other than a witness and you evaluate the testimony of a
9 law enforcement officer exactly the way you evaluate the
10 testimony of any other witness? Everybody comes in. Everybody
11 takes an oath. And of course law enforcement officers have
12 training and experience. But in terms of evaluating the
13 testimony and making the credibility determinations, you'd have
14 some difficulty? Some people do.

15 A JUROR: Yeah, Your Honor. I would have a prejudice,
16 you know, in believing that the law enforcement officer --

17 THE COURT: All right. All right. We get it. We'll
18 excuse you. Your number again, please?

19 A JUROR: 336.

20 THE COURT: All right. Thank you. Yes, ma'am.

21 A JUROR: 221.

22 THE COURT: Married to a cop.

23 A JUROR: Yes.

24 THE COURT: Okay. That's not a bad thing.

25 A JUROR: No.

1 THE COURT: But you do think you might have some --

2 A JUROR: Well, you said if you're unsure, you
3 should --

4 THE COURT: Exactly.

5 A JUROR: I'm not exactly sure if I would be able to
6 be --

7 THE COURT: Okay. That's fair. That's absolutely
8 fair. Your number once again? I'm sorry.

9 A JUROR: 221.

10 THE COURT: Okay. We're going to excuse you from
11 service as a juror. Absolutely nothing to be ashamed of. Yes,
12 sir.

13 A JUROR: 419.

14 THE COURT: Yes, sir.

15 A JUROR: Again, I'm just not positive. A lot of time
16 and effort and research and investigation went into it and I
17 don't know if I, I don't know if I could actually be totally
18 partial.

19 THE COURT: Okay. We're going to excuse you. Thank
20 you very much. Of course, you meant totally impartial?

21 A JUROR: Yeah.

22 THE COURT: What we want is impartial, not partial.
23 But we get your drift. Thank you. Yes, sir.

24 A JUROR: Number 50.

25 THE COURT: Yes, sir.

1 A JUROR: Yeah.

2 THE COURT: You've been in the system for a while.

3 A JUROR: Quite a while, sir.

4 THE COURT: You have serious doubt or only a mild
5 doubt about your ability to follow the Court's instructions?

6 A JUROR: I always wanted to sit on a jury.

7 THE COURT: But your honesty --

8 A JUROR: I would observe law enforcement's body
9 language. But I think I would --

10 THE COURT: You think you would have a problem? Okay.
11 We're going to excuse. Your number once again? I'm sorry.

12 A JUROR: 50.

13 THE COURT: Juror Number 50, thank you very much.

14 Members of the jury, this case involves, as you've
15 heard me describe, alleged murders. I will tell you that the
16 evidence is going to show that individuals were shot dead using
17 handguns. Is there anyone among you, on account of the nature
18 and character of the case, the charges involving as they do the
19 use of firearms to commit murder, anybody have difficulty
20 following the Court's instructions and fairly and impartially
21 evaluating the evidence in this case?

22 (No response.)

23 THE COURT: The answer is none. Ladies and gentlemen,
24 as you also heard me describe, the indictment charges that the
25 defendants engaged in drug distribution activities involving

1 heroin, marijuana, cocaine, and crack cocaine. Is there anyone
2 among you, because this case is in part a drug case, who would
3 have difficulty fairly and impartially judging the evidence and
4 rendering a fair and impartial verdict? Down front. Your
5 number?

6 A JUROR: 371.

7 THE COURT: Yes, ma'am. So is there something in your
8 family's history or background or your knowledge or your beliefs
9 that would make it difficult for you?

10 A JUROR: Yes.

11 THE COURT: Because --

12 A JUROR: I have a 17-year-old-son who's --

13 THE COURT: Okay. Okay. Remember, I didn't ask for
14 volunteered information. I'm just asking the question.

15 A JUROR: Yes.

16 THE COURT: It would be difficult for you?

17 A JUROR: Yes.

18 THE COURT: All right. Thank you very much, ma'am.
19 We're going to excuse you. Yes, sir.

20 A JUROR: Juror Number 49.

21 THE COURT: Yes, sir. You would find it difficult
22 because it is a drug distribution allegation in the indictment?
23 Or you have doubt about whether you --

24 A JUROR: I have doubt.

25 THE COURT: You have doubt. And it's a fairly serious

1 doubt?

2 A JUROR: I had a personal experience.

3 THE COURT: Okay. We're going to excuse you, sir.

4 Thank you very much. Yes, sir.

5 A JUROR: Number 417.

6 THE COURT: Yes, sir.

7 A JUROR: I've had a cousin who is --

8 THE COURT: Okay. So you have in your family and
9 among your acquaintances --

10 A JUROR: A cousin and an uncle, an uncle who was
11 convicted of distributing drugs.

12 THE COURT: Okay. And that would make it difficult
13 for you to serve fairly in this case?

14 A JUROR: I think it could, yes.

15 THE COURT: All right. And that was four?

16 A JUROR: 417.

17 THE COURT: 17. We're going to excuse you. Thank you
18 very much. Yes, sir.

19 A JUROR: 350.

20 THE COURT: You would encounter that kind of
21 challenge, considering evidence of drugs and the use of drugs
22 and the sale of drugs?

23 A JUROR: It's not the drugs portion. It's more the
24 murder.

25 THE COURT: More the murder portion? All right.

1 We're going to excuse you. I'm sorry. Your number again?

2 A JUROR: 350.

3 THE COURT: 350. Thank you. You're excused. Again,
4 ladies and gentlemen, as I've said before and I said it quite
5 emphatically, an indictment is not evidence. An indictment
6 proves nothing. Each defendant absolutely is protected by the
7 presumption of innocence. And as they sit here this moment and
8 as they sat there two hours or so ago when you first came into
9 the courtroom, absolutely nothing that has happened in this
10 courtroom changes what I said before.

11 Each one of these defendants is presumed innocent, has
12 no burden whatsoever. The burden throughout the proceedings, to
13 the very end, remains on the government to prove guilt beyond a
14 reasonable doubt.

15 What we will do now, ladies and gentlemen, is I'm
16 going to ask a three-part question. And you will simply
17 identify yourself, if your answer is yes, simply identify
18 yourself by giving us your number, and resume your seat. And
19 then immediately after that question has been answered by all of
20 you, you will be excused for a luncheon recess. And I will give
21 you instructions as to how we will proceed after lunch.

22 Okay. The three-part question is as follows: Have
23 you or any close family member or close personal friend been the
24 victim of a crime, charged with or convicted of a crime, or have
25 you or any such person spent time in a jail or penal

1 institution?

2 Let me repeat it before you respond. Have you or any
3 close family member or close personal friend been the victim of
4 a crime? Have you or any such person been charged with or
5 convicted of a crime? Or have you or any such person spent time
6 in a jail or penal institution?

7 If the answer is yes to any part of that question,
8 please stand at this time. Starting at the top. If you would
9 just give us your juror number, please, and resume your seat.

10 A JUROR: 39.

11 A JUROR: 31.

12 A JUROR: 101.

13 A JUROR: 77.

14 A JUROR: 70.

15 A JUROR: 80.

16 A JUROR: 83.

17 A JUROR: 90.

18 A JUROR: 187.

19 A JUROR: 176.

20 A JUROR: 168.

21 A JUROR: 108.

22 A JUROR: 134.

23 A JUROR: 215.

24 A JUROR: 213.

25 A JUROR: 207.

1 A JUROR: 204.

2 A JUROR: 195.

3 A JUROR: 249.

4 A JUROR: 263.

5 A JUROR: 264.

6 A JUROR: 270.

7 A JUROR: 282.

8 A JUROR: 299.

9 A JUROR: 244.

10 A JUROR: 301.

11 A JUROR: 326.

12 A JUROR: 314.

13 A JUROR: 343.

14 A JUROR: 340.

15 A JUROR: 367.

16 A JUROR: 14.

17 A JUROR: 19.

18 A JUROR: 374.

19 A JUROR: 380.

20 A JUROR: 387.

21 THE COURT: Did we get your number, sir?

22 A JUROR: Yes.

23 THE COURT: Okay.

24 A JUROR: 427.

25 A JUROR: 444.

1 A JUROR: 441.

2 A JUROR: 439.

3 A JUROR: 432.

4 A JUROR: 400.

5 A JUROR: 402.

6 THE COURT: All right. Please be seated.

7 Thank you very much, ladies and gentlemen. We, after
8 lunch, will be questioning each of you who stood to that
9 question here at the bench individually if you are not
10 previously excused before we get to that stage of the voir dire.

11 Let me express my sincere thanks to each of you for
12 the manner in which you have made it possible for us to conduct
13 these proceedings so far. You've been wonderful. I have tried
14 to introduce a little levity into these proceedings. I hope
15 that it was received in the spirit in which it was intended.

16 We are all human. There can be stress in any
17 situation. And so it's always seemed to me as a judge that,
18 it's always seemed to me as a judge that the introduction of
19 appropriate levity in a tense situation can be helpful. Despite
20 my efforts in that regard, I know that, I know that each of you
21 deeply appreciates, and I can tell from the manner in which
22 you've conducted yourselves that you have a deep respect for
23 this process and for the solemnity of these proceedings.

24 This is a very important case. It's important to the
25 defendants because they're charged with very serious crimes.

1 And it's important to the government because the enforcement of
2 the criminal law is a very important matter to all of us.

3 So I appreciate deeply the manner in which you have
4 made it possible for the Court to proceed.

5 You will now be excused for a luncheon recess. I'm
6 going to ask you, if you could, because I think this will be
7 helpful, I assume everybody finds his or her seat okay. I'm
8 going to ask you to look around and I'm going to ask you to
9 resume the very seat you're in now when you come back after
10 lunch.

11 But you won't come unescorted into the courtroom. You
12 will return to the Jury Assembly Room where you were this
13 morning. But you will be permitted to come down en masse. In
14 other words, we won't repeat the procedure from this morning but
15 you will assemble in the jury room upstairs before you come down
16 here.

17 So when we're ready for you, one of my law clerks will
18 come up and say, Okay, ladies and gentlemen, let's return to
19 Courtroom 1-A. And you will be free to take the stairs or the
20 elevators, however you choose. And we will ask you to come back
21 into this courtroom and take the seat that you're occupying at
22 this time. That way we'll be, it will be pretty easy for us, I
23 think, quickly to call the roll and make sure that all of you
24 who we expect back after lunch have returned, because we can't
25 continue with the process until all of you have returned.

1 As I've instructed you now several times, during this
2 recess you are to have no discussion whatsoever about the case,
3 no discussion about the indictment, no discussion about my
4 summary of the charges, and importantly, no discussion
5 whatsoever with anyone about what has happened in this courtroom
6 this morning and early this afternoon.

7 Don't discuss any of the comments that have been made
8 by your fellow jurors. Do not discuss any of the comments that
9 I have made to any jurors. Please, no discussion about any
10 aspect of these proceedings.

11 Do not, absolutely do not use this luncheon recess to
12 conduct any kind of investigation whatsoever. Don't go online.
13 Don't use your Blackberries, don't use your Trios, don't go
14 looking up articles in the newspaper.

15 Jurors sometimes believe wrongly, erroneously, even in
16 good faith, that they will somehow be a better juror if they
17 look up words or if they do research or if they increase their
18 knowledge. That would be incorrect as a matter of fact and
19 would be incorrect as a matter of law.

20 You are not to seek out any information whatsoever
21 about this case or these proceedings, ever, for the balance of
22 today.

23 When you call home to check in, when you call your
24 office to let them know where you are, simply say, I'm not
25 finished, I'm in front of Judge Davis, I'll be finished this

1 afternoon. Don't tell them what kind of case it is. And if
2 they try to tell you about the case or if they try to ask you
3 what kind of case is it, why can't you tell me something, tell
4 them you have been instructed that the instruction is binding,
5 you are not permitted to discuss any aspect of the case.

6 So quick review. By the clock in the courtroom it is
7 1:15. You will be excused. I will ask you no later than 2:30,
8 75 minutes from now by your clock, by your watch, be back
9 upstairs on the Fourth Floor in the Jury Assembly Room. Make
10 yourself comfortable up there. And at about that time my law
11 clerks will appear to ask you to come into the courtroom.

12 And again, look around where you are. Remember the
13 seat you're now occupying. Remember the lady or guy who is
14 seated next to you. And as best as you can, resume that seat
15 when you return to the courtroom shortly after 2:30 this
16 afternoon.

17 We're making very good progress and I expect to
18 conclude this process promptly this afternoon.

19 Thank you again for your cooperation, ladies and
20 gentlemen. You are excused to return to the Fourth Floor Jury
21 Assembly Room no later than 2:30 this afternoon.

22 (Jury exits the courtroom.)

23 THE COURT: Counsel, if you have anything for the good
24 of the order, I will invite you to approach the lectern at this
25 time.

1 Okay. There being no acceptance of that invitation, I
2 assume counsel are content to proceed. I think we're making
3 good progress. I should mention that I do have a hearing
4 scheduled this afternoon in a civil case at 4. It's unlikely
5 that we will conclude the voir dire by then. And so I'll just
6 have counsel wait. I don't think we're going to be much past
7 four, but we'll see how it goes.

8 On the other hand, I'm open to the possibility that,
9 for one reason or another, we are not able to finish today, and
10 so I'm open to the possibility, if it should prove necessary,
11 that we complete the voir dire tomorrow morning. I think we're
12 going to have sufficient time tomorrow, should that be
13 necessary, nevertheless, to conclude our opening statements.

14 As you saw in my memo, I'm offering the government two
15 hours but I assume, Mr. Harding, the government wouldn't dare
16 take a full two hours for opening statement.

17 MR. HARDING: We wouldn't dare, Your Honor.

18 THE COURT: I thought not. And I've offered the
19 defense one hour each. You may or may not use that full
20 allotment. But my hope is that we'll get the government opening
21 in, take a recess, do one of the defense openings. That would
22 be Mr. Mitchell's if he chooses to do one tomorrow. Of course,
23 defense are not required to do one. And then break for lunch
24 and then come back and conclude the other three opening
25 statements. And call it a day, hopefully sometime between 3 and

1 4:00 tomorrow afternoon. That's my hope.

2 Thank you. We're in recess until 2:30.

3 (Luncheon recess.)

4 THE COURT: Please be seated, good afternoon. Did we
5 figure this out or it's just one of those things?

6 (Jury enters the courtroom.)

7 THE COURT: Good afternoon, ladies and gentlemen.
8 Welcome back. I remind you, of course, you remain under oath
9 for these proceedings. I will call the roll. I think I have a
10 complete list of those we expected to be here. When I call your
11 number, please simply say out loud "present."

12 Juror Number One?

13 A JUROR: Present.

14 THE COURT: 11?

15 A JUROR: Present.

16 THE COURT: 14.

17 A JUROR: Present.

18 THE COURT: 19.

19 A JUROR: Present.

20 THE COURT: 21.

21 A JUROR: Present.

22 THE COURT: 31.

23 A JUROR: Present.

24 THE COURT: 32?

25 A JUROR: Present.

1 THE COURT: 39?

2 A JUROR: Present.

3 THE COURT: 67?

4 A JUROR: Present.

5 THE COURT: 70.

6 A JUROR: Present.

7 THE COURT: 77.

8 A JUROR: Present.

9 THE COURT: 78?

10 A JUROR: Present.

11 THE COURT: 80.

12 A JUROR: Present.

13 THE COURT: 83.

14 A JUROR: Present.

15 THE COURT: 84.

16 A JUROR: Present.

17 THE COURT: 87.

18 A JUROR: Present.

19 THE COURT: Juror 101.

20 A JUROR: Present.

21 THE COURT: 102?

22 A JUROR: Present.

23 THE COURT: 108.

24 A JUROR: Present.

25 THE COURT: 134.

1 A JUROR: Present.

2 THE COURT: 136.

3 A JUROR: Present.

4 THE COURT: 142.

5 A JUROR: Present.

6 THE COURT: 143.

7 A JUROR: Present.

8 THE COURT: 144.

9 A JUROR: Present.

10 THE COURT: 145.

11 A JUROR: Present.

12 THE COURT: 152.

13 A JUROR: Present.

14 THE COURT: 156.

15 A JUROR: Present.

16 THE COURT: 163.

17 A JUROR: Present.

18 THE COURT: 168.

19 A JUROR: Present.

20 THE COURT: 176.

21 A JUROR: Present.

22 THE COURT: 186.

23 A JUROR: Present.

24 THE COURT: 187.

25 A JUROR: Present.

1 THE COURT: 195.

2 A JUROR: Present.

3 THE COURT: 204.

4 A JUROR: Present.

5 THE COURT: 207.

6 A JUROR: Present.

7 THE COURT: 213.

8 A JUROR: Present.

9 THE COURT: 215.

10 A JUROR: Present.

11 THE COURT: 223.

12 A JUROR: Present.

13 THE COURT: 240.

14 A JUROR: Present.

15 THE COURT: 244.

16 A JUROR: Present.

17 THE COURT: 245.

18 A JUROR: Present.

19 THE COURT: 249.

20 A JUROR: Present.

21 THE COURT: 258.

22 A JUROR: Present.

23 THE COURT: 263.

24 A JUROR: Present.

25 THE COURT: 264.

1 A JUROR: Present.

2 THE COURT: 270.

3 A JUROR: Present.

4 THE COURT: 281.

5 A JUROR: Present.

6 THE COURT: 282.

7 A JUROR: Present.

8 THE COURT: 290.

9 A JUROR: Present.

10 THE COURT: 299.

11 A JUROR: Present.

12 THE COURT: 301.

13 A JUROR: Present.

14 THE COURT: 303.

15 A JUROR: Present.

16 THE COURT: 308.

17 A JUROR: Present.

18 THE COURT: 313.

19 A JUROR: Present.

20 THE COURT: 314.

21 A JUROR: Present.

22 THE COURT: 315.

23 A JUROR: Present.

24 THE COURT: 326.

25 A JUROR: Present.

1 THE COURT: 330.

2 A JUROR: Present.

3 THE COURT: 331.

4 A JUROR: Present.

5 THE COURT: 334.

6 A JUROR: Present.

7 THE COURT: 340.

8 A JUROR: Present.

9 THE COURT: 343.

10 A JUROR: Present.

11 THE COURT: 350. Juror Number 350. I think we let
12 him go. Juror 366.

13 A JUROR: Present.

14 THE COURT: Juror 367.

15 A JUROR: Present.

16 THE COURT: 374.

17 A JUROR: Present.

18 THE COURT: 379.

19 A JUROR: Present.

20 THE COURT: 380.

21 A JUROR: Present.

22 THE COURT: 383.

23 A JUROR: Present.

24 THE COURT: 386.

25 A JUROR: Present.

1 THE COURT: 387.

2 A JUROR: Present.

3 THE COURT: 389.

4 A JUROR: Present.

5 THE COURT: 399.

6 A JUROR: Present.

7 THE COURT: 400.

8 A JUROR: Present.

9 THE COURT: 402.

10 A JUROR: Present.

11 THE COURT: 407.

12 A JUROR: Present.

13 THE COURT: 410.

14 A JUROR: Present.

15 THE COURT: 413.

16 A JUROR: Present.

17 THE COURT: 415.

18 A JUROR: Present.

19 THE COURT: 419. Juror Number 419 was excused. Juror
20 427.

21 A JUROR: Present.

22 THE COURT: Juror 432.

23 A JUROR: Present.

24 THE COURT: 439.

25 A JUROR: Present.

1 THE COURT: Juror 444.

2 A JUROR: Present.

3 THE COURT: And I skipped somebody.

4 A JUROR: 441.

5 THE COURT: 441. Thank you. Is there any juror whose
6 number I did not call? Your number, please?

7 A JUROR: 90.

8 THE COURT: Juror Number 90 is present. And?

9 A JUROR: 373.

10 THE COURT: Juror 373, the problem juror.

11 A JUROR: I wasn't the problem.

12 THE COURT: No. The problem number.

13 A JUROR: 73. I was the problem juror.

14 THE COURT: Juror 73. Ladies and gentlemen, please
15 stand if you or a close family member are a lawyer, paralegal,
16 legal secretary, law student or otherwise trained in the legal
17 field. Yes, sir?

18 A JUROR: My sister --

19 THE COURT: Your number, please?

20 A JUROR: My sister-in-law --

21 THE COURT: Your number, please?

22 A JUROR: One.

23 THE COURT: Juror Number One.

24 A JUROR: My sister-in-law is a lawyer in San
25 Francisco and a part-time judge.

1 THE COURT: Part-time judge and full-time lawyer?

2 A JUROR: Right.

3 THE COURT: We don't have any of those in Maryland but
4 they have them in other states. Would your knowledge of her
5 training and experience affect your ability to serve as a juror?

6 A JUROR: No.

7 THE COURT: Thank you very much. The next gentleman.

8 A JUROR: 14.

9 THE COURT: Yes, sir.

10 A JUROR: And my sister is an attorney.

11 THE COURT: And what's the nature of her practice?

12 A JUROR: Real estate law, primarily.

13 THE COURT: Would your knowledge of her affect your
14 ability to serve?

15 A JUROR: No.

16 THE COURT: Thank you. Next.

17 A JUROR: 387.

18 THE COURT: Here comes the mike. 387?

19 A JUROR: 387. That's correct.

20 THE COURT: Just one moment. Yes, sir.

21 A JUROR: My girlfriend's in her first semester of law
22 school.

23 THE COURT: Would your knowledge of her experiences so
24 far, just two weeks in, affect your ability to serve?

25 A JUROR: No.

1 THE COURT: Thank you. Yes, sir.

2 A JUROR: 330.

3 THE COURT: Yes, sir.

4 A JUROR: My sister's in her third year of law school.

5 THE COURT: Would your knowledge of her experiences so
6 far affect your ability to serve as a juror?

7 A JUROR: I have no knowledge.

8 THE COURT: Thank you. Better off without it, I
9 suppose. Yes, ma'am.

10 A JUROR: Juror 315.

11 THE COURT: Yes, ma'am.

12 A JUROR: I have two cousins and, two cousins are
13 attorneys and a brother is in law school.

14 THE COURT: And where do they, where do the attorneys
15 practice?

16 A JUROR: In Guam.

17 THE COURT: And do you know the nature of their
18 practice?

19 A JUROR: I believe they're in, they take, one of them
20 is in -- sorry. I'm trying to think now.

21 THE COURT: That's all right, if you don't recall.

22 A JUROR: Yeah. Sorry.

23 THE COURT: Would your limited knowledge affect your
24 ability to serve?

25 A JUROR: No.

1 THE COURT: And what about, you say you have a friend
2 who's in law school?

3 A JUROR: My brother.

4 THE COURT: Your brother. What year he is?

5 A JUROR: Just starting.

6 THE COURT: Just starting. Would that affect your
7 ability to serve?

8 A JUROR: No, sir.

9 THE COURT: Thank you.

10 A JUROR: 314.

11 THE COURT: Yes, ma'am.

12 A JUROR: My uncle is an attorney and I have a few
13 friends who are attorneys.

14 THE COURT: What's the nature of your uncle's
15 practice?

16 A JUROR: I'm not certain. But he is in Alabama.

17 THE COURT: Alabama. Would your limited knowledge of
18 either your friends or your uncle affect your ability to serve?

19 A JUROR: No.

20 THE COURT: Thank you. Yes, ma'am?

21 A JUROR: 303.

22 THE COURT: Yes.

23 A JUROR: Before he was a judge, I was secretary to
24 Judge Lloyd L. Simpkins, Somerset County.

25 THE COURT: Oh, and how long did you work for Judge

1 Simpkins?

2 A JUROR: About three or four years.

3 THE COURT: You didn't go with him when he went on the
4 bench?

5 A JUROR: No.

6 THE COURT: Would your knowledge of his experience and
7 training affect your ability to serve?

8 A JUROR: No.

9 THE COURT: Thank you. Yes, sir?

10 A JUROR: 282. My brother-in-law's a defense, state
11 of New York, about ten years.

12 THE COURT: Would your knowledge of his experiences
13 affect your ability to serve?

14 A JUROR: No.

15 THE COURT: Thank you. Next. Yes, sir.

16 A JUROR: 223.

17 THE COURT: Yes.

18 A JUROR: Cousin who's on staff of University of
19 Texas, El Paso law school.

20 THE COURT: Would your knowledge of your cousin's
21 experience affect your ability to serve?

22 A JUROR: No.

23 THE COURT: Thank you. Yes, ma'am.

24 A JUROR: 145. I'm a litigation paralegal in Towson.

25 THE COURT: What firm?

1 A JUROR: Moore and Jackson.

2 THE COURT: And do you do any criminal work at all,
3 criminal defense work?

4 A JUROR: No, sir. We do personal injury defense.

5 THE COURT: And how long have you had that position?

6 A JUROR: Just about two and a half years.

7 THE COURT: And did you get a degree in paralegal
8 studies?

9 A JUROR: Yes, I did.

10 THE COURT: Would your training and experience affect
11 your ability to serve as a juror?

12 A JUROR: No.

13 THE COURT: Thank you.

14 A JUROR: Juror 152.

15 THE COURT: Yes, ma'am.

16 A JUROR: I'm not legally trained but I work in a law
17 firm.

18 THE COURT: What do you do for them?

19 A JUROR: Litigation technology data analyst.

20 THE COURT: What firm?

21 A JUROR: McDermott Will and Emory, Washington, DC.

22 THE COURT: How long?

23 A JUROR: Two years and a couple of days, actually.

24 THE COURT: They do some criminal defense work, is
25 that right?

1 THE DEFENDANT: Yes.

2 THE COURT: Do you work on criminal cases?

3 A JUROR: My position is firm-wide so I handle all of
4 the array of what they handle.

5 THE COURT: But you don't do legal research or that
6 kind of thing?

7 A JUROR: No.

8 THE COURT: Would your training and experience and
9 your interaction with your colleagues at the law firm affect
10 your ability to serve?

11 A JUROR: No.

12 THE COURT: Thank you. Yes, ma'am.

13 A JUROR: 156. My husband has a law degree but is not
14 a practicing attorney.

15 THE COURT: Has he ever practiced?

16 A JUROR: No.

17 THE COURT: Would your knowledge of his training
18 affect your ability to serve?

19 A JUROR: No.

20 THE COURT: Thank you.

21 A JUROR: 163.

22 THE COURT: Yes, sir.

23 A JUROR: I have a nephew who is a lawyer for the City
24 of Baltimore.

25 THE COURT: How long's he been with the City

Solicitor's Office?

A JUROR: About 15 years.

THE COURT: And that office doesn't do any criminal work.

A JUROR: No. They do only civil litigation.

THE COURT: Would your knowledge of his experiences affect your ability at all?

A JUROR: Not at all.

THE COURT: Thank you. Would you pass the mike behind you? Yes.

A JUROR: 187.

THE COURT: Yes, sir.

A JUROR: And I have a close family friend who's a corporate lawyer in New York City and I think his wife works in the District Attorney's office.

THE COURT: So they're both lawyers?

A JUROR: Yes.

THE COURT: Would your knowledge of their experiences affect your ability to serve?

A JUROR: No, sir.

THE COURT: Thank you. Yes, sir?

A JUROR: 136. My father was an attorney and a judge.
He's no longer alive.

THE COURT: Where was he a judge?

A JUROR: In the State of Alabama. He was a state

1 circuit court judge.

2 THE COURT: And how long was he a judge?

3 A JUROR: Approximately 12 years.

4 THE COURT: And when did he retire or pass away?

5 A JUROR: I can't tell you exactly what year he
6 retired. I'm going to say probably about '87, '88, somewhere
7 around in there. He died June of, not the past year but a year
8 before that.

9 THE COURT: '07?

10 A JUROR: Yes.

11 THE COURT: Did he handle criminal cases?

12 A JUROR: No, he did not.

13 THE COURT: All right. Would your knowledge of his
14 experiences in any way affect your ability to serve?

15 A JUROR: No.

16 THE COURT: Thank you. Pass the mike behind you,
17 please. Yes, ma'am.

18 A JUROR: 39. My uncle is a practicing attorney in
19 Ohio.

20 THE COURT: Nature of his practice?

21 A JUROR: I am not sure.

22 THE COURT: All right. Would your knowledge, if any,
23 you have, affect your ability to serve as a juror?

24 A JUROR: No.

25 THE COURT: Thank you. Yes, sir.

1 A JUROR: 31.

2 THE COURT: Yes.

3 A JUROR: I've got a brother that's an attorney.

4 Another brother that was running for judge up in New York.

5 THE COURT: They both in New York?

6 A JUROR: No. One is here in Annapolis.

7 THE COURT: The brother practices in Annapolis?

8 A JUROR: Correct.

9 THE COURT: What's the nature of his practice?

10 A JUROR: It's real estate.

11 THE COURT: All right.

12 A JUROR: And I have a cousin that's a Supreme Court
13 justice up in New York.

14 THE COURT: All right. Supreme Court, New York is
15 like this court, trial court. It's one of the interesting
16 differences. Would your knowledge --

17 A JUROR: I have another cousin.

18 THE COURT: Okay.

19 A JUROR: -- that's an attorney. He just left here
20 and went up to Pennsylvania. He does criminal.

21 THE COURT: Criminal defense work?

22 A JUROR: Yes.

23 THE COURT: When he was here, what firm or how did he
24 practice? On his own or with other lawyers?

25 A JUROR: He clerked at a judgeship down in Annapolis.

1 THE COURT: Do you remember the name of the judge?

2 A JUROR: No.

3 THE COURT: So he's a fairly recent graduate?

4 A JUROR: Yes.

5 THE COURT: And would your knowledge of any of their
6 experiences or training in any way affect your ability to serve?

7 A JUROR: No.

8 THE COURT: Thank you. Yes, ma'am.

9 A JUROR: 77. And I'm a legal secretary here in
10 Baltimore.

11 THE COURT: What firm?

12 A JUROR: Ober, Kaler, Grimes and Shriver.

13 THE COURT: For how long?

14 A JUROR: About two and a half years.

15 THE COURT: Do you have a degree in paralegal studies?

16 A JUROR: Yes, I do.

17 THE COURT: Would your knowledge and training in any
18 way affect your ability to serve as a juror?

19 A JUROR: No, sir.

20 THE COURT: Thank you.

21 A JUROR: Number 70. My sister-in-law is a personal
22 injury lawyer.

23 THE COURT: Where?

24 A JUROR: Baltimore.

25 THE COURT: Is she alone or is she with a firm?

1 A JUROR: I believe she's with, she has her own
2 practice.

3 THE COURT: Own practice. How long has she, how long
4 has she been in the practice of law?

5 A JUROR: Four years.

6 THE COURT: And would your knowledge of her training
7 and experience affect your ability to serve?

8 A JUROR: No.

9 THE COURT: Thank you. As you'll recall, I mentioned
10 earlier, ladies and gentlemen -- I'm sorry. I apologize. Yes,
11 ma'am?

12 A JUROR: Juror 410. My daughter is an assistant
13 State's attorney in Harford County for the Child Support
14 Division.

15 THE COURT: Would your knowledge affect, would your
16 knowledge of her experience affect your ability to serve?

17 A JUROR: No, sir.

18 THE COURT: Thank you. You may be seated. Yes, sir.

19 A JUROR: 432. My daughter is an attorney in
20 Washington, DC.

21 THE COURT: Nature of her practice is?

22 A JUROR: Real estate law.

23 THE COURT: Real estate law? And how long has she
24 been a lawyer?

25 A JUROR: About three years.

1 THE COURT: Would your knowledge of her experiences
2 affect your ability to serve?

3 A JUROR: No, sir.

4 THE COURT: Thank you. Yes, sir.

5 A JUROR: 441. My father's an attorney. I have
6 several friends who are attorneys. And I work for a law firm
7 and there are many attorneys.

8 THE COURT: All right. Which firm, by which firm are
9 you employed?

10 A JUROR: DLA Piper.

11 THE COURT: And what do you do for them?

12 A JUROR: I work with computers and software.

13 THE COURT: So you're in the IT Department?

14 A JUROR: Yes.

15 THE COURT: Would your knowledge of lawyers, your
16 close association with lawyers at the firm, affect your ability
17 to serve as a juror?

18 A JUROR: I don't believe so.

19 THE COURT: And what's the nature of your father's
20 practice?

21 A JUROR: He's retired.

22 THE COURT: Before he retired?

23 A JUROR: Corporate.

24 THE COURT: In Washington, mainly?

25 A JUROR: Yes. For telecommunications.

1 THE COURT: Telecommunications. So would your
2 knowledge of his experience or those of the others in your
3 family or close friends affect your ability to serve?

4 A JUROR: No.

5 THE COURT: Thank you very much. As you'll recall,
6 ladies and gentlemen, in the indictment that I summarized for
7 you this morning, there's an allegation that part of the
8 activities of the enterprise included production and promotion
9 of rap music. Does anyone among you, is anyone among you
10 familiar with the term "gangsta rap?"

11 THE COURT: Okay. That is easily 80% of you. Here's
12 my follow-up question, without asking each of you to identify
13 yourselves. Do you have any attitude, knowledge, or belief
14 about what is popularly known as gangsta rap that might affect
15 your ability fairly and impartially to judge the facts of this
16 case? If the answer is no, you may resume your seat.

17 (All jurors sit down.)

18 THE COURT: The record will reflect that each of the
19 many jurors who stood indicating their general familiarity with
20 the term "gangsta rap" have resumed their seats.

21 In that same vein, ladies and gentlemen, does anyone
22 among you, quite apart from the term "gangsta rap", is there
23 anyone among you who has any beliefs or opinions about rap music
24 or those involved in the rap music industry that might affect
25 your ability to serve fairly and impartially as a juror in this

1 case?

2 (No response.)

3 THE COURT: The answer is no. As you can see, ladies
4 and gentlemen, the four defendants in this case are
5 African-American. Is there anyone among you who, on account of
6 the race or ethnicity of the defendants in this case, who would
7 encounter difficulty in serving fairly and impartially as a
8 juror in this case?

9 (No response.)

10 THE COURT: The answer is none. Is there anyone among
11 you who, on account of the race, ethnicity, religion, sex or
12 creed or color of any participant in these proceedings that
13 would cause you to have difficulty serving fairly and
14 impartially as a juror in this case?

15 (No response.)

16 THE COURT: The answer is none. Please stand if you
17 or a close family member or close personal friend previously or
18 presently have a legal dispute with any officer or agency or
19 department of the federal government. A tax dispute, an
20 employment dispute, or any other legal dispute with any office,
21 officer, or department of the federal government.

22 The answer is none.

23 I mentioned earlier, ladies and gentlemen, that there
24 are two kinds of juries, what we refer to as grand juries, and
25 what we are doing now, which is selecting a trial jury, also

1 known as a petit jury. The grand jury's role, as I told you
2 before, is to decide whether or not a person should be charged
3 with a crime and, if so, what charges in the form of an
4 indictment should be placed against that person.

5 Please stand if you previously served as a member of a
6 grand jury in either state or federal court. If you previously
7 served as a member of a grand jury.

8 The answer is none.

9 Please stand if you previously served in state or
10 federal court as a member of a trial jury, such as we're
11 selecting now. If you previously served on jury service when
12 you served on a trial. All right. Just give us your number and
13 remain standing, please.

14 A JUROR: 245.

15 THE COURT: All right. Pass the mike, please.

16 A JUROR: 340.

17 THE COURT: All right.

18 A JUROR: 374.

19 A JUROR: 77.

20 THE COURT: Take the mike, please, ma'am.

21 A JUROR: 143.

22 THE COURT: All right. Remain standing, please. Yes,
23 sir.

24 A JUROR: 432.

25 THE COURT: Yes, sir.

1 A JUROR: 427.

2 THE COURT: All right. Those jurors now standing have
3 previously served in either state or federal court as a member
4 of a jury. My follow-up question is as follows. Did anything
5 occur prior to the trial in your earlier service as a juror,
6 during the trial, or after the trial at which you served as a
7 juror that might affect your ability fairly and impartially to
8 serve as a juror in this case? If the answer is no, you may
9 resume your seat.

10 The record will reflect that each of the jurors with
11 prior jury service in state or federal court have resumed their
12 seats, indicating that there was no occurrence or incident that
13 might affect their service in this case as a result of their
14 prior service.

15 Some of witnesses in this case, I am advised, ladies
16 and gentlemen, will be witnesses who have entered into certain
17 kinds of agreements with the government. Some of these
18 witnesses will have pled guilty to crimes, sometimes crimes very
19 similar to the crimes charged in this case.

20 The government is permitted to enter into agreements
21 with such potential witnesses and to have those witnesses come
22 in and testify in the trial of other persons. This is referred
23 to frequently as plea negotiations or plea bargains.

24 Is there anyone among you who, on account of the fact
25 that one or more witnesses may be testifying for the government

1 in this case pursuant to an agreement with the government,
2 providing for them to do so in return for certain benefits, who
3 would have difficulty fairly and impartially judging the
4 evidence and reaching a fair and impartial verdict in this case?

5 The answer is none.

6 There are a number of different organizations, ladies
7 and gentlemen, and different kinds of organizations that have a
8 role to play, often unofficial or indirect, in the criminal
9 justice system. One way to divide these organizations is to
10 consider some organizations to be organizations supporting what
11 are referred to as victim rights, and some organizations are
12 referred to as pro-prosecution or stronger criminal prosecution
13 type organizations.

14 On the one side are organizations such as Mothers
15 Against Drunk Driving, perhaps the ACLU, perhaps others, who are
16 concerned about victims, as well as defendants.

17 Please stand if you are a donor to or a member of any
18 such organization. This would include the organizations I
19 mentioned, as well as any others. Mothers Against Drunk
20 Driving, Students Against Drunk Driving, and similar
21 organizations. All right. Your number, please?

22 A JUROR: 87.

23 THE COURT: Yes.

24 A JUROR: I am a donor and volunteer for the House of
25 Ruth.

1 THE COURT: All right. Would your association with
2 the House of Ruth, which, for the other jurors, is simply an
3 organization concerned about domestic violence, focused
4 primarily on women, but all domestic violence, would your
5 association and support of that organization in any way affect
6 your ability to serve as a juror in this case?

7 A JUROR: No, sir.

8 THE COURT: Thank you. You may be seated. Yes,
9 ma'am. Yes, sir. With the mike. Your number, please?

10 A JUROR: 213.

11 THE COURT: Yes.

12 A JUROR: I contribute to Mothers Against Drunk
13 Drivers.

14 THE COURT: Would your support of that organization in
15 any way affect your ability to serve fairly as a juror in this
16 case?

17 A JUROR: No.

18 THE COURT: Thank you.

19 A JUROR: 204.

20 THE COURT: Yes, ma'am.

21 A JUROR: MADD. I contribute to them.

22 THE COURT: Just one moment. Would your support --

23 A JUROR: No.

24 THE COURT: -- reflect any difficulty on your part in
25 serving as a juror?

1 A JUROR: No.

2 THE COURT: Thank you.

3 A JUROR: 195.

4 THE COURT: Yes, ma'am.

5 A JUROR: I have contributed to Hartley House, a
6 domestic violence program. And I also worked there years ago --
7 not years ago. I worked there for years and quit about a year
8 and a half ago.

9 THE COURT: What was your role with them?

10 A JUROR: I was the administrative assistant.

11 THE COURT: All right. Would your association and
12 support in any way affect your ability to serve fairly as a
13 juror in this case?

14 A JUROR: No.

15 THE COURT: Thank you. Yes, sir.

16 A JUROR: 367. I'm a donor with both MADD and with
17 Hartley House as well.

18 THE COURT: Would your support reflect any difficulty
19 on your part to serve fairly as a juror in this case?

20 A JUROR: No, Your Honor.

21 THE COURT: Thank you. Yes, ma'am.

22 A JUROR: 343. I make charity donations to a women's
23 shelter, domestic violence.

24 THE COURT: Would that evidence any difficulty on your
25 part in serving as a juror in this case?

1 A JUROR: No, sir.

2 THE COURT: Thank you. Yes, sir.

3 A JUROR: 441. I have supported Catholic Charities,
4 including House of Ruth, MADD, and various other charities.

5 THE COURT: All right. Would that affect your ability
6 to serve as a juror?

7 A JUROR: No.

8 THE COURT: Thank you. Please stand if you are a
9 member or supporter of any neighborhood or community watch
10 groups or adjunct police forces, if you've ever done a
11 ride-along with a law enforcement officer or engaged in similar
12 activities or supported similar organizations. The answer is
13 yes. Yes, sir?

14 A JUROR: 301.

15 THE COURT: Yes, sir.

16 A JUROR: I've done a ride-along with my dad.

17 THE COURT: And your dad is? Remind us.

18 A JUROR: I'm sorry. Retired DC policeman.

19 THE COURT: And when's the last time you did a
20 ride-along?

21 A JUROR: Twelve years ago.

22 THE COURT: And how many total times did you do such?

23 A JUROR: Like four.

24 THE COURT: Why don't you tell the jury what a
25 ride-along is, by the way?

1 A JUROR: Basically, I just rode, that's basically
2 what it is. I just rode along with him during one of his, one
3 of his days at work.

4 THE COURT: While he was on patrol.

5 A JUROR: Correct.

6 THE COURT: Would this affect your ability to serve
7 fairly as a juror in this case?

8 A JUROR: No.

9 THE COURT: Thank you. Yes, ma'am.

10 A JUROR: 152. I did a ride-along as part of my
11 course work in college. With PG County.

12 THE COURT: Would the experience in any way affect
13 your ability to serve as a juror.

14 A JUROR: No.

15 THE COURT: Thank you. Yes, sir.

16 A JUROR: 386. I spent part of my career as a photo
17 journalist and I have done several ride-alongs with state police
18 and local police, doing things as speed control and things like
19 that.

20 THE COURT: I see. You a photo journalist.

21 A JUROR: I previously was, yes.

22 THE COURT: Did you appear at crime scenes?

23 A JUROR: Yes.

24 THE COURT: And for how long were you engaged in that
25 pursuit?

1 A JUROR: About 25 years.

2 THE COURT: In what jurisdictions?

3 A JUROR: Mostly in Annapolis.

4 THE COURT: In Annapolis. Would your experiences as a
5 journalist or as a photo journalist in particular, or as a
6 ride-along, in any way affect your ability to serve as a juror?

7 A JUROR: No, sir.

8 THE COURT: Thank you very much. Yes, sir.

9 A JUROR: Juror 215.

10 THE COURT: Yes, sir.

11 A JUROR: The church I was previously a member of
12 tried to develop their own version of a Scared Smart sort of
13 program and they were taking high school youth and youth through
14 a walk through the City Jail or state pen. And I did that one
15 time.

16 THE COURT: How long ago was that?

17 A JUROR: Probably two or more years ago.

18 THE COURT: All right. Would that experience in any
19 way affect your ability to serve as a juror?

20 A JUROR: No, sir.

21 THE COURT: Thank you. Please stand if you are a
22 member or donor to the National Rifle Association or any similar
23 organization whose mission is, in whole or in part, the
24 legalization of guns or support for greater accessibility to
25 firearms. You or a close family member or close personal

1 friend. Yes, sir.

2 A JUROR: 367. I'm an member.

3 THE COURT: And for how long, approximately?

4 A JUROR: Two years. My son has just got into
5 hunting.

6 THE COURT: And would your association with the in any
7 way affect your ability to serve as a juror?

8 A JUROR: No, sir.

9 THE COURT: Thank you very much. Yes, sir, up top.

10 A JUROR: 31.

11 THE COURT: Yes.

12 A JUROR: Brother is in NRA and we go hunting.

13 THE COURT: Would your brother's association affect
14 your ability to serve as a juror?

15 A JUROR: No.

16 THE COURT: Thank you. Yes, sir.

17 A JUROR: Number 379.

18 THE COURT: Yes.

19 A JUROR: I'm a past NRA member. My brother is a
20 member.

21 THE COURT: No longer, you're no longer currently a
22 member?

23 A JUROR: No, I'm not.

24 THE COURT: Would your past association or the
25 association of your brother with the NRA in any way affect your

1 ability to serve as a juror?

2 A JUROR: No, it would not.

3 THE COURT: Thank you very much. Yes, sir. Up top.

4 A JUROR: Number 32. Past member of the NRA.

5 THE COURT: Would that association in the past affect
6 your ability to serve as a juror?

7 A JUROR: No.

8 THE COURT: Thank you very much. Yes, sir.

9 A JUROR: Number 14.

10 THE COURT: Yes.

11 A JUROR: My dad was or may still be a member of the
12 National Rifle Association. I'm not sure.

13 THE COURT: I see. Would your knowledge, assuming he
14 is today and acknowledging that he formerly was, would that
15 affect your ability to serve as a juror?

16 A JUROR: It wouldn't.

17 THE COURT: Thank you very much. Yes, ma'am? Okay.
18 Yes, sir.

19 A JUROR: 223. Not currently a member. I do have
20 concerns about prohibited persons and firearms under any
21 circumstances.

22 THE COURT: Now, when you say you have concerns, are
23 you able to, with those concerns, to put aside any preconceived
24 ideas or beliefs, listen to the evidence presented in this case,
25 follow the Court's instructions, and render a fair and impartial

1 verdict based solely on the evidence presented?

2 A JUROR: I don't believe so.

3 THE COURT: Okay. We're going to excuse you. I'm
4 sorry. Your number once again?

5 A JUROR: 223.

6 THE COURT: 223. Thank you very much for being
7 available to us. Yes, ma'am.

8 A JUROR: 264.

9 THE COURT: Yes.

10 A JUROR: I'm from Somerset County. My whole family's
11 part of the NRA. I mean, we kind of do that from the time we're
12 16.

13 THE COURT: I understand.

14 A JUROR: It's a family gift. But no, it would not
15 cause me to have any problem serving.

16 THE COURT: All right. Thank you very much. Yes,
17 sir.

18 A JUROR: 301. My father and brother are members of
19 the NRA.

20 THE COURT: And would that affect your ability to
21 serve as a juror?

22 A JUROR: No.

23 THE COURT: Thank you. Please stand if you have a
24 close family member or close personal friend who has, who was
25 shot. Just give me your number, please, and you may resume your

1 seat.

2 A JUROR: 77.

3 THE COURT: Okay.

4 A JUROR: 215.

5 A JUROR: 168.

6 A JUROR: 31.

7 A JUROR: 83.

8 A JUROR: 73.

9 A JUROR: 101.

10 A JUROR: 263.

11 A JUROR: 314.

12 A JUROR: 19.

13 A JUROR: 400.

14 A JUROR: 439.

15 THE COURT: All right. Clearly, ladies and gentlemen,
16 that question overlaps with prior questions and we'll speak to
17 you here at the bench regarding those circumstances. Please
18 stand if you or a close family member have previously or
19 presently abused illegal narcotics substances and/or sought
20 treatment for such use in the past or presently. Please stand
21 and just give us your juror number.

22 Again, there will be overlap perhaps to earlier
23 questions. Just give us your juror number, please, and we will
24 speak to you here at the bench.

25 A JUROR: 19.

1 A JUROR: 14.

2 A JUROR: 343.

3 A JUROR: 313.

4 A JUROR: 263.

5 A JUROR: 264.

6 A JUROR: 326.

7 A JUROR: 367.

8 A JUROR: 70.

9 A JUROR: 290.

10 A JUROR: 83.

11 A JUROR: 87.

12 A JUROR: 215.

13 A JUROR: 168.

14 A JUROR: 213.

15 A JUROR: 207.

16 A JUROR: 108.

17 THE COURT: Yes, sir?

18 A JUROR: 441.

19 A JUROR: 427.

20 THE COURT: All right.

21 A JUROR: 195.

22 THE COURT: Thank you. Again, we'll speak to each of
23 you here at the bench with respect to our follow-up questions
24 regarding that question. There have been prior proceedings in
25 this case, ladies and gentlemen, the Court has conducted a

1 number of hearings. And there may be, in the course of the
2 trial of this case, mention of prior proceedings in this case
3 and perhaps even the use of transcripts of prior proceedings in
4 this case. The Court will instruct you appropriately as to the
5 proper use of prior testimony by anyone.

6 But is there anyone among you who would make, find it
7 difficult to adhere to the Court's instructions not to pay
8 attention to the fact that there may have been prior proceedings
9 in this case and not to speculate about the nature of those
10 proceedings?

11 The answer is no.

12 As I told you earlier, among the rights each defendant
13 enjoys in a criminal case is the right to be present, and there
14 is the correlative right not to be present. Is there anyone
15 among you who, if one or more defendants in this case chose not
16 to attend one or more sessions of the trial, who would find it
17 difficult to adhere to the Court's instructions and continue to
18 be fair and impartial?

19 The answer is no.

20 Please stand if you or a close family member or close
21 personal friend presently or previously worked in a drug
22 treatment program of any sort, or substance abuse treatment
23 program. Yes, ma'am.

24 A JUROR: I worked on the ground --

25 THE COURT: Your number, please?

1 A JUROR: 390. I worked on the grounds of Springfield
2 Hospital Center, Reagan Recovery Center. And I worked down at a
3 detox center in Baltimore.

4 THE COURT: What was your professional affiliation or
5 your role?

6 A JUROR: I'm a nurse.

7 THE COURT: And do you continue to work in that field?

8 A JUROR: No, I don't.

9 THE COURT: Would your training and experience in any
10 way affect your ability to serve as a juror in this case?

11 A JUROR: No, it would not.

12 THE COURT: Thank you very much. Yes, ma'am.

13 A JUROR: 195. I worked in alcoholism for a couple of
14 years but that was a long time ago.

15 THE COURT: In what capacity?

16 A JUROR: I was, again, like the administrative
17 assistant, secretary.

18 THE COURT: I see. So you didn't give direct services
19 to patients or clients?

20 A JUROR: No.

21 THE COURT: Would your experience in any way affect
22 your ability to serve as a juror?

23 A JUROR: No.

24 THE COURT: Thank you. Yes, ma'am.

25 A JUROR: 168.

1 THE COURT: Yes.

2 A JUROR: I'm presently an addictions counselor.

3 THE COURT: Here in Baltimore?

4 A JUROR: Yes.

5 THE COURT: How long have you been so employed?

6 A JUROR: Three years.

7 THE COURT: And do you have formal training leading up
8 to that position?

9 A JUROR: Yes.

10 THE COURT: And what substances do your clients
11 present with, generally?

12 A JUROR: Mostly, I deal with methadone patients. And
13 prior to that it was abstinence patients.

14 THE COURT: I see. Would your training and experience
15 as an addictions counselor affect your ability fairly and
16 impartially to judge the facts of this case?

17 A JUROR: No, it would not.

18 THE COURT: You could be fair to the defense and to
19 the government?

20 A JUROR: Yes.

21 THE COURT: Thank you very much. Yes, sir.

22 A JUROR: Number 14.

23 THE COURT: Yes, sir.

24 A JUROR: In 2002 to 2004, I worked with a series of
25 homeless shelters as operation manager and we had some

1 components that address that issue.

2 THE COURT: You didn't work directly in that capacity?

3 A JUROR: I didn't.

4 THE COURT: Would your association in that regard
5 affect your ability to serve as a juror?

6 A JUROR: No, it wouldn't.

7 THE COURT: Thank you very much. Yes, sir.

8 A JUROR: My best friend --

9 THE COURT: Your number, please?

10 A JUROR: I'm sorry. 427.

11 THE COURT: Yes.

12 A JUROR: Best friend who's involved with NA and AA.

13 THE COURT: Would your knowledge of your friend's
14 experiences and training affect your ability?

15 A JUROR: No, sir.

16 THE COURT: Thank you. Please stand if you are a
17 member or contributor to any organizations that work for the
18 legalization or decriminalization of any drugs or prohibited
19 substances.

20 The answer is none.

21 Please stand if you or a close family member or close
22 personal friend have had any interaction with or concerns about
23 any neighborhood gangs. Your number, please.

24 A JUROR: 176.

25 THE COURT: All right. You may be seated. We'll

1 speak to you here at the bench.

2 Yes, sir.

3 A JUROR: 215.

4 THE COURT: We'll speak to you here at the bench.

5 A JUROR: 374.

6 THE COURT: Thank you. Please stand if you have any
7 religious, ethical, or moral beliefs, knowledge, or attitudes
8 that may make it difficult for you to serve fairly and
9 impartially as a juror in this case.

10 The answer is none.

11 Please stand if you have any reservations whatsoever
12 in favor of the prosecution or against the prosecution or in
13 favor of the defense or against the defense concerning the
14 administration of criminal justice in our country.

15 Your number, please, sir? Were you standing in
16 response to that question, because you stood up before I
17 finished it?

18 A JUROR: One.

19 THE COURT: All right. We'll speak to you here at the
20 bench. As I said to you earlier, the defendants in every
21 criminal case are presumed innocent unless and until a jury
22 properly instructed and fairly and impartially considering the
23 evidence presented during the trial concludes beyond a
24 reasonable doubt that the defendant is guilty. Is there anyone
25 who does not understand that instruction?

1 (No response.)

2 THE COURT: The defendants are equally presumed
3 innocent at this very moment as they were when you first walked
4 into this courtroom this morning. And I don't say they're even
5 more presumed innocent because there is no more. A defendant in
6 a criminal case is presumed innocent. That presumption is
7 strong at the beginning of the case. It's strong during the
8 jury selection. It's strong during the trial. It's strong
9 throughout the proceedings unless and until the jury, having
10 been instructed and fairly and impartially evaluating and
11 weighing the evidence presented, concludes beyond a reasonable
12 doubt that a defendant has been shown to be guilty.

13 Is there any member of the panel who does not
14 understand that or who may not be able to adhere to that
15 instruction?

16 (No response.)

17 THE COURT: The answer is none. Please stand if you
18 have heard of or seen or heard others discussing something
19 called the Stop Snitching video. The record will reflect that
20 numerous jurors, perhaps half of those remaining in the room,
21 have stood.

22 Hand out the microphones, please. Please remain
23 standing. Your number, please?

24 A JUROR: One.

25 THE COURT: You've heard of the Stop Snitching video?

1 A JUROR: Yes.

2 THE COURT: Have you seen it?

3 A JUROR: Parts of it on the news clips.

4 THE COURT: On the news clips. And without telling us
5 what you think of it or how much of it you saw, would having
6 seen it affect your ability fairly and impartially to judge the
7 fact of this case?

8 A JUROR: No.

9 THE COURT: You could put aside the information you
10 received, whatever it was, concerning the so-called Stop
11 Snitching video, and render a fair and impartial verdict?

12 A JUROR: Yes.

13 THE COURT: Thank you very much. Next.

14 A JUROR: Number 19.

15 THE COURT: Yes. Have you seen the video?

16 A JUROR: No. I have not.

17 THE COURT: Have you heard of it?

18 A JUROR: Only on the news.

19 THE COURT: Have you discussed it with anyone?

20 A JUROR: No, I have not.

21 THE COURT: Would whatever knowledge you have of it
22 affect your ability fairly and impartially to judge the facts of
23 this case?

24 A JUROR: No, it would not.

25 THE COURT: Thank you very much. Yes, ma'am.

1 A JUROR: 374.

2 THE COURT: Just one moment, please. Yes, Ms. Rhodes.

3 MS. RHODES: Your Honor, I would ask that we be able
4 to inquire about this issue at the bench with the other matters.

5 THE COURT: Is that because of the evidence that we
6 discussed?

7 MS. RHODES: Yeah. The sensitivity of the situation
8 and the issues. Concerns I'm going to say something that might
9 taint others.

10 THE COURT: Well, okay. What we'll do, ladies and
11 gentlemen, I'll accede to counsel's request. Rather than have
12 you respond to my follow-up questions regarding the Stop
13 Snitching video, I'm going to ask you simply to identify
14 yourself by your number. And during the individual voir dire,
15 many of you are coming up, anyway, to discuss perhaps other
16 matters, we will also have you tell us what, if anything, you
17 know about and what your attitude may be towards the so-called
18 Stop Snitching video.

19 So would you just give us your number, please, and you
20 may resume your seat, ma'am.

21 A JUROR: 374.

22 THE COURT: All right.

23 A JUROR: 380.

24 A JUROR: 383.

25 A JUROR: 386.

1 A JUROR: 387.
2 A JUROR: 389.
3 A JUROR: 399.
4 A JUROR: 301.
5 A JUROR: 326.
6 A JUROR: 270.
7 A JUROR: 263.
8 A JUROR: 314.
9 A JUROR: 313.
10 A JUROR: 308.
11 A JUROR: 249.
12 A JUROR: 245.
13 A JUROR: 195.
14 A JUROR: 204.
15 A JUROR: 207.
16 A JUROR: 213.
17 A JUROR: 215.
18 A JUROR: 240.
19 A JUROR: 176.
20 A JUROR: 168.
21 A JUROR: 163.
22 A JUROR: 145.
23 A JUROR: 102.
24 A JUROR: 73.
25 A JUROR: 108.

1 A JUROR: 134.

2 A JUROR: 143.

3 A JUROR: 80.

4 A JUROR: 78.

5 A JUROR: 70.

6 A JUROR: 31.

7 A JUROR: 400.

8 A JUROR: 402.

9 A JUROR: 407.

10 A JUROR: 410.

11 A JUROR: 441.

12 THE COURT: Thank you, ladies and gentlemen. Please
13 listen to this question carefully. I know you've listened to
14 all of them carefully. And this will be directed at those of
15 you who just indicated some knowledge, however great, however
16 little, about the so-called Stop Snitching video. If the
17 evidence in this case were to suggest that one or more of the
18 defendants in this case were involved with the Stop Snitching
19 video, based on what little or however much you know about the
20 Stop Snitching video, and from whatever source those of you who
21 think you have some information, if the evidence were to suggest
22 that any one or more of the defendants were involved in the Stop
23 Snitching video, would that affect your ability to serve fairly
24 and impartially as a juror in this case? However little it
25 might affect, would it affect your ability at all in fairly and

1 impartially judging the facts of this case?

2 Your number, please, sir.

3 A JUROR: 80.

4 THE COURT: All right. My question is, based on what
5 you know or think you know about the Stop Snitching video, you
6 believe that if there were evidence in this case that one or
7 more defendants may have been involved in that video, it might
8 affect your ability such that you couldn't serve as a juror?

9 A JUROR: Correct.

10 THE COURT: All right. We're going to excuse you.
11 Thank you very much.

12 A JUROR: Yes, sir.

13 A JUROR: 78.

14 THE COURT: Just one moment. Ms. Rhodes.

15 MS. RHODES: Your Honor, again, I would ask that we be
16 able to inquire about these at the bench.

17 THE COURT: Well, the jurors are being excused if they
18 can't set aside. We don't need to speak to them at the bench.
19 Yes, sir, your number.

20 A JUROR: 78.

21 THE COURT: And you have been exposed to the Stop
22 Snitching video?

23 A JUROR: I'm familiar with it through the news.

24 THE COURT: And you don't believe you could serve
25 fairly and impartially as a juror if there were evidence in this

1 case that one or more defendants may have been involved in that
2 video?

3 A JUROR: That's correct.

4 THE COURT: All right. We're going to excuse you.
5 Thank you. I'm sorry. What was the last juror who was just
6 excused? 80. And this juror was? 78? Thank you. Just one
7 moment, please.

8 MR. HARDING: Your Honor, may we briefly approach the
9 bench?

10 THE COURT: No. Let me finish with these jurors and
11 I'll hear counsel at the bench. Yes. Who has the mike?

12 A JUROR: 204.

13 THE COURT: Yes, ma'am. You've heard my earlier
14 questions to those jurors. Is your answer the same? You
15 believe that you would not be able fairly and impartially to
16 judge the case?

17 A JUROR: I believe that I couldn't.

18 THE COURT: All right. Thank you. We're going to
19 excuse you, ma'am. Yes, sir. Your number?

20 A JUROR: 245.

21 THE COURT: Same answer?

22 A JUROR: Unfortunately, yes.

23 THE COURT: All right. Thank you. We're going to
24 excuse you. That was 245, correct?

25 A JUROR: Yes.

1 THE COURT: All right. Yes, sir.

2 A JUROR: 240.

3 THE COURT: You heard my earlier questions.

4 A JUROR: That's correct.

5 THE COURT: Same answer?

6 A JUROR: That's correct, Your Honor.

7 THE COURT: All right. Thank you. Yes, sir.

8 A JUROR: 301.

9 THE COURT: Same question, same answer?

10 A JUROR: Yes.

11 THE COURT: Thank you very much.

12 A JUROR: 326.

13 THE COURT: Yes, sir. Same question, same answer?

14 A JUROR: Yes.

15 THE COURT: All right. You're excused. Yes, ma'am.

16 A JUROR: 270.

17 THE COURT: 270?

18 A JUROR: Yes, sir.

19 THE COURT: All right. Same question, same answer?

20 A JUROR: Yes, sir.

21 THE COURT: All right. We will excuse you, ma'am.

22 Thank you. Yes, sir.

23 A JUROR: 441.

24 THE COURT: Same question?

25 A JUROR: Same question, different answer.

1 THE COURT: Same answer?

2 A JUROR: No. I'm unsure. I know about the video. I
3 don't know what evidence would be presented. But it just
4 clicked in my mind that I should because I'm unsure.

5 THE COURT: Thank you very much, sir. You are
6 excused. The rest of you who had some familiarity with the Stop
7 Snitching video but who, based on what you know and your ability
8 to be fair and impartial, have indicated by your non-response to
9 the last question that while you may know something about it,
10 you could continue to be fair and impartial even if there were
11 evidence in this case suggesting that one or more defendants
12 might have been involved in that. And we will see you here at
13 the bench with follow-up questions.

14 Okay. Having heard all of my prior questions and
15 thinking about the intent of those questions and the spirit of
16 those questions, recognizing that the purpose of the questions
17 was to give you an opportunity to bring to our attention matters
18 that may have a bearing on your ability to serve fairly and
19 impartially as a juror in this case, is there any other reason
20 whatsoever, whether I touched on it in an earlier question or
21 not, any reason whatsoever based on any experience you've had,
22 any knowledge, belief or opinion that you presently hold or
23 previously held, any reason whatsoever, that you could not serve
24 fairly and impartially as a juror if selected in this case?
25 Your number, please.

1 A JUROR: 187.

2 THE COURT: All right. We'll speak to you here at the
3 bench.

4 A JUROR: 282.

5 THE COURT: All right.

6 A JUROR: 249.

7 THE COURT: All right.

8 A JUROR: 83.

9 THE COURT: All right. All right. Counsel.

10 A JUROR: One.

11 THE COURT: Oh, I'm sorry. I apologize. Counsel,
12 please approach.

13 (Bench conference on the record.)

14 THE COURT: So are you going to tell me you're not
15 going to introduce it?

16 MR. HARDING: No.

17 THE COURT: I didn't think that's what you were going
18 to tell me. What did you want to say about that Stop Snitching?

19 MR. HARDING: We didn't think it was a fair line of
20 questioning to the government, Your Honor. But since it's over
21 with now, it's pointless.

22 MS. COBURN: Cannot hear what Mr. Harding said.

23 THE COURT: Mr. Harding said he thought it was an
24 unfair line of questioning from the government's perspective, to
25 try to identify the people who not only knew about the Stop

1 Snitching video, but were willing to stand and say that would
2 probably disqualify them.

3 I agree, Mr. Harding. I could have plumbed the depths
4 a little more diligently but I think we only lost five or six
5 jurors, and I think you'll have the opportunity to rehabilitate
6 any of the other Stop Snitching jurors.

7 Are you satisfied, Ms. Rhodes, that additional
8 questioning was limited in such a way that it wasn't
9 prejudicial?

10 MS. RHODES: Yes, Your Honor.

11 THE COURT: All right. Are there any additional
12 requests for voir dire from the government? Have I not covered
13 something you wanted me to cover?

14 MR. HARDING: No, Your Honor.

15 THE COURT: From Mr. Mitchell?

16 MS. RHODES: Nothing else, Your Honor.

17 THE COURT: Mr. Harris?

18 MR. MARTIN: Your Honor, I can't say my at advanced
19 age I can remember everything I asked you to ask so I'll make a
20 general objection that if you didn't cover it, I think you did.

21 THE COURT: Okay. Thank you, Mr. Martin. And Mr.
22 Martin? And Mr. Gardner?

23 MR. COBURN: Your Honor, I think that Mr. Kurland's
24 got a couple of additional.

25 THE COURT: Can you just whisper in his ear, Mr.

1 Kurland, while you're back there? What's the gist of it, Mr.
2 Coburn?

3 MR. COBURN: The gist of it, Your Honor, is just that
4 Mr. Kurland's got a concern about when Your Honor asked that
5 question about prior proceedings, whether that would have any
6 affect on them. It was prior proceedings just in this case.
7 But we had prior proceedings in other cases.

8 THE COURT: I think, I think they got it. All right.

9 I would invite some of you to return to your seats. I
10 think we have enough receivers so that only one of counsel for
11 each defendant can come to the bench.

12 MR. MARTIN: Mr. Crowe says he can't hear. He just
13 had it on.

14 THE COURT: Great. So he should have a seat. You'll
15 be able to hear better with the listening devices.

16 MR. MARTIN: I think he was trying the listening
17 device. I think he said it wasn't working, but it probably
18 wasn't on yet. And my client's not interested in putting it on.
19 It looks like he's not interested in --

20 THE COURT: Okay. Yeah. If the defendants don't want
21 to.

22 MR. HARDING: Your Honor, does this rule apply to the
23 government, Your Honor?

24 THE COURT: No. No. Unless you can do without Mr.
25 Hanlon.

1 MR. HARDING: I can't do without Mr. Hanlon, Your
2 Honor.

3 THE COURT: All right. If you'll step to the side,
4 we'll start with the individual voir dire.

5 It's now 3:30. It seems pretty clear, frankly, that
6 unless we go well past 5:00, we're not likely to finish this
7 today.

8 Does anybody have a view about whether we just bring
9 this group back tomorrow and start fresh tomorrow morning? Do
10 you want to try to -- because even if we get through the voir
11 dire, it's going to take you all 30 minutes at least to pick a
12 jury.

13 MR. COBURN: At least, with all those.

14 THE COURT: And of course, I still don't know how many
15 you're going to have. But whatever I give you, I'm going to
16 permit you to exercise them jointly so there will be lots of
17 back and forth.

18 MR. MARTIN: We have to have some time.

19 THE COURT: Exactly. Exactly. Maybe we should call
20 it a day.

21 MR. COBURN: That strikes me as a good idea.

22 THE COURT: Anybody? Does the Government have a
23 feeling?

24 MR. HARDING: No. We don't have --

25 THE COURT: We have 76. So even assuming we lose

1 another 20, if we're, I think I'm going to be able to give the
2 defense maybe 20 strikes, maybe 15. Why don't we send them
3 home.

4 MR. MARTIN: Your Honor, for what it's worth, I don't
5 think we're going to have any trouble getting done what you want
6 to get done tomorrow.

7 THE COURT: Let's do that.

8 (End of bench conference.)

9 THE COURT: Change of plans, ladies and gentlemen. It
10 is now 3:35 and the process took a little longer than I had
11 hoped. But we still made excellent progress. I've conferred
12 with counsel and it is our really unanimous view that it makes
13 more sense for us to bring you all back tomorrow morning and
14 conclude the voir dire tomorrow morning than it does to push
15 ahead this afternoon and try to conclude it this afternoon.

16 Clearly, the individual voir dire is a serious part,
17 of course, of the voir dire process. And I want to be sure to
18 give each of you a full opportunity to come up here and share
19 with us whatever is of concern to you, to answer our questions,
20 and to get your questions answered if you have any.

21 I'm afraid that if we began that process now, with the
22 need for recess this afternoon, we would end up keeping most of
23 you way past the time that I had hoped to be able to let you go
24 today.

25 So what we will do is we will now recess for the day

1 and I will have each of you come back tomorrow, report no later
2 than 9:15 tomorrow morning in the jury section on the Fourth
3 Floor, as you did this morning. And I expect to resume the voir
4 dire process at 9:30 tomorrow morning.

5 Once again, as we did this afternoon, one of my law
6 clerks will greet you upstairs at about 9:30 and escort you back
7 to the courtroom. Once again, I will ask you to enter the
8 courtroom and take a seat. You will not have to assume the
9 seats you occupy now. It will be available to you to sit
10 wherever you like.

11 And specifically, for those of you who are now seated
12 in the jury box to my right, as you can see there are now
13 sufficient seats in the gallery so that when you come in
14 tomorrow morning from the Fourth Floor, we will ask you to take
15 a seat in the gallery.

16 Promptly at 9:30 tomorrow we will begin the individual
17 voir dire process whereby, in groups of five or six or seven at
18 a time, you'll form a line near the stairway over there. You
19 will approach the bench one at a time and provide us with the
20 additional information that you need to provide us to complete
21 your answers to those questions which were asked today, and
22 where I need to follow-up questions.

23 I am confident with a fresh start tomorrow morning we
24 can get that process completed fairly promptly, whereupon we
25 will then make the final selections of the jury in this case.

1 And those of you who are not selected will be excused with our
2 thanks, I assure you well before lunch. And those of you who
3 are selected will be seated in the jury box and we will begin
4 the trial tomorrow.

5 In the meantime, let me emphasize what you've heard me
6 say repeatedly all day today. You are to have no discussion
7 whatsoever about the case, about my summary of the indictment.
8 You are to have no discussion whatsoever with anyone about the
9 voir dire process. No discussion about the questions that were
10 asked. No discussion about any of the answers that were
11 provided by your fellow jurors or by yourself.

12 And this instruction to you to have no discussion
13 includes no discussion with family and friends at home tonight,
14 no discussion among yourselves as you depart the courtroom or as
15 you assemble in the jury section on the Fourth Floor tomorrow
16 morning.

17 Again, I emphasize, there is to be no research of any
18 sort. Don't go online to look up anything. Don't use any
19 dictionaries, legal or non-legal, to look up any words you may
20 have heard me use today. Don't question friends or associates
21 about what they may have heard. Don't visit the scene of any of
22 the addresses that I mentioned earlier today, even assuming you
23 remember them. In other words, go about your business as you
24 would even if you had not been here in the federal courthouse
25 all day today.

1 For purposes of what you are able to talk about and do
2 during this overnight recess, you weren't even here today.

3 My instructions, as I've said before, are critically
4 important to maintain both the dignity and the fairness of these
5 proceedings. And so I have total confidence that on your oath
6 you will adhere to all of my instructions as you have heard and
7 understood them.

8 There are still, I believe, a few of you who earlier
9 today expressed some concern about conflicts, travel or work. I
10 assure you we are very much aware of that. We haven't
11 overlooked that. And we will address those issues appropriately
12 tomorrow.

13 So please be here tomorrow no later than 9:15. The
14 courthouse opens at 8:30. So arrive at any time that's
15 convenient for you.

16 Go to the Fourth Floor Jury Assembly Room and make
17 yourself comfortable. Bring your coffee or buy coffee on the
18 first floor or have coffee in the jury room. Just make yourself
19 comfortable. Do not discuss the case in any way, shape or form
20 at any time.

21 We can't start tomorrow morning until all 76 of you
22 are here. So please, I know you will make every effort and
23 actually achieve arrival on time, no later than 9:15, again, I
24 emphasize, on the Fourth Floor.

25 Do not come into this courtroom until my law clerk

1 greets you on the Fourth Floor and instructs you it's time to
2 come to the fourth, to the First Floor.

3 Just so that you know, those of you who are selected,
4 I expect we'll be in session tomorrow but not beyond 4:00 in the
5 afternoon. Normally, as I mentioned this morning, we will sit
6 until about five. Again, sometimes a little before five,
7 sometimes just a little bit past five. But tomorrow I don't
8 expect to be in session beyond four and certainly not beyond
9 4:30. So it will be a brief, a briefer session tomorrow than we
10 will normally have.

11 Those of you who are not selected, again, I expect to
12 be able to dismiss you by mid-morning. So you should plan to go
13 to work or to go on about your business unless you are selected
14 as one of the jurors for this trial.

15 I remind those of you who live some distance from
16 Baltimore, under our rules a juror who resides more than 50
17 miles from the site of the trial is entitled to have, if he or
18 she wishes, a hotel room here in Downtown Baltimore during the
19 trial so that if you live more than 50 miles from this
20 courthouse and you wish to take advantage of that opportunity,
21 if you're selected, I assure you arrangements will be made for
22 you to stay in Downtown Baltimore and you won't have to make the
23 drive or travel back and forth between your home and the
24 courthouse if you're selected.

25 The government will cover the expenses that you incur

1 in staying at a hotel and your meals, in addition to your normal
2 jury fee and the parking and mileage allowance.

3 I hope that I've answered most of your questions. I'm
4 sure I haven't answered all of them. But again, let me express
5 my appreciation for the manner in which you have conducted
6 yourselves to make it possible for us to conduct these
7 proceedings with the dignity and the fairness and efficiency
8 that we all so much want to achieve.

9 So you are now excused until 9:15 tomorrow to report
10 on the Fourth Floor in the Jury Assembly Room, to be brought
11 down to the courtroom tomorrow at about 9:30. We'll see you all
12 tomorrow morning, ladies and gentlemen.

13 (Jury exits the courtroom at 3:47 p.m.)

14 THE COURT: I want to express my thanks to all of you
15 for helping out. I especially want to thank Belinda and my law
16 clerks for the excellent job they did in managing the jury.

17 I must confess that, like most of you, I suppose, it
18 was quite a surprise when only one juror had been exposed to any
19 knowledge about the case. But in my wonderment at that I simply
20 overlooked the possibility that the Stop Snitching question
21 might elicit such a broad-based response.

22 So we'll resume at 9:30 tomorrow. And I'm confident
23 that we can get the jury seated between, well, certainly before
24 12:00 and hopefully by 11:30, in which event I expect we'll
25 probably take an early lunch and start with opening statements

1 after lunch rather than before.

2 Anything for the good of the order?

3 MR. COBURN: Could I mention just a couple of quick
4 things?

5 THE COURT: You broke the rule, Mr. Coburn.

6 MR. COBURN: I did. I'm sorry.

7 THE COURT: I think that's your second or first
8 violation?

9 MR. COBURN: At least my second, Your Honor. Two
10 strikes. The first thing I just wanted to let Your Honor know,
11 I think the problem is the use of the husher, that when the
12 background noise is on, the little listening devices can't,
13 don't seem to be able to be used. At least that's what Mr.
14 Kurland's telling me. And I think Mr. Pyne, also, was unable to
15 hear here when the husher device was on. Just want to let Your
16 Honor know.

17 THE COURT: Let's test it tomorrow morning. Maybe I
18 need to get closer to this mike because the listening, the
19 receivers are supposed to pick up this mike and these mikes so
20 they shouldn't be affected by the husher. But maybe what you're
21 saying is just the husher noise in the room impedes.

22 Anyway, we'll test it tomorrow and see what we can do.

23 MR. COBURN: I appreciate it very much, Your Honor.
24 The only other thing I wanted to mention, this will be very
25 quick, is that Mr. Gardner, unlike the other defendants in this

1 case, has been for a long, long time incarcerated at Jessup.
2 And I just wanted to make sure that the marshals were taking him
3 back there as opposed to Cumberland or something like that
4 because --

5 THE COURT: No. No. Of course. They're going to
6 keep him close by. I'm not even sure they're going to take him
7 back to Jessup.

8 MR. COBURN: He's working on -- it would be much
9 appreciated if he could go back.

10 THE COURT: I don't think so. I don't think any of
11 the marshals who are present are certain. But I believe, I've
12 been told that they've got a bed for them here in Baltimore for
13 the duration of the trial.

14 A MARSHAL: Here in Baltimore City.

15 THE COURT: Yes. Thank you, Deputy Johnson. So he'll
16 be in Baltimore.

17 MR. COBURN: Thank you, Your Honor.

18 THE COURT: All right? See, Mr. Coburn, your
19 co-counsel didn't violate the rule.

20 MR. COBURN: I know. I'm learning from him every day,
21 Your Honor. I just did it again.

22 MR. KURLAND: Good afternoon, Your Honor. Your Honor,
23 before opening statements, I take it that the parties will have
24 a chance to talk with the Court about certain kind of procedural
25 ground rule issues.

1 THE COURT: Sure.

2 MR. KURLAND: And evidence issues. Also, just to
3 clarify with respect to the husher. The husher overwhelms to
4 the point where, as it was being used this afternoon, I couldn't
5 hear a word because the husher was just overwhelming everything.

6 THE COURT: Okay. I'm not sure what to do about that
7 because if you're all the way down there, you won't hear a word,
8 either.

9 MR. KURLAND: I understand that. But I'm simply
10 saying from the standpoint of the lawyers that are up there, we
11 can't, we can't follow all the proceedings, and our clients
12 can't as well. So I'm just informing the Court of that reality.
13 However, it's dealt with --

14 THE COURT: Okay. Maybe, we don't have ear plugs, do
15 we? If we could shut down the off ear?

16 MR. KURLAND: Look, I'm --

17 THE COURT: Really stick it in the other ear.

18 MR. KURLAND: I'll stick it any ear. With respect to
19 how to handle it, I don't know.

20 THE COURT: Okay. We'll do our best, Mr. Kurland.
21 Thank you.

22 MR. COBURN: Your Honor, could I have ten more
23 seconds?

24 THE COURT: Only if you're at the mike.

25 MR. COBURN: I appreciate it very much. I just want

1 to let Your Honor know, my client generally has been very easy
2 to work with, you know, particularly recently. This issue is
3 something he's got extremely strong feelings about because, just
4 to let Your Honor know --

5 THE COURT: I'm sorry. What issue?

6 MR. COBURN: The issue about where he's housed during
7 the length of the trial.

8 THE COURT: It's closed. The issue is closed.

9 MR. COBURN: Is there any way of getting his materials
10 from Jessup up here?

11 THE COURT: The issue is closed.

12 MR. COBURN: Okay. Understood.

13 THE COURT: He will be housed here in Baltimore for
14 the duration of the trial.

15 All right. Thank you very much, counsel. We're in
16 recess until 9:30 tomorrow morning.

17 (Conclusion of Proceedings at 3:53 p.m.)

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REPORTER'S CERTIFICATE

I, Mary M. Zajac, do hereby certify that I recorded stenographically the proceedings in the matter of USA v. Willie Mitchell, et al., Case Number(s) AMD-04-029, on September 15, 2008.

I further certify that the foregoing pages constitute the official transcript of proceedings as transcribed by me to the within matter in a complete and accurate manner.

In Witness Whereof, I have hereunto affixed my signature
this day of , 2009.

Mary M. Zajac,
Official Court Reporter

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